



CITY of BETHEL

P. O. Box 388 • Bethel, Alaska 99559

543-2297 — Area Code 907

MUNICIPALITY OF BETHEL SPECIAL COUNCIL MEETING MAY 26, 1977

COUNCIL CHAMBERS

7:00 P.M.

Meeting was called to order by Mayor Peltola at 7:15 P.M.
Present: Council Members Stichick, Guinn, Peltola, Hickling, Elliott.
Absent: Council Members Hinsvark, Charles.

APPROVAL OF MINUTES

M/M by Councilman Stichick to approve the Minutes of the May 9, 1977, Regular Council Meeting as presented. Voice vote was taken and was unanimous. Motion carried. M/M by Councilman Stichick to approve the Minutes of the May 20, 1977, Special Council Meeting as presented. Voice vote was taken and was unanimous. Motion carried.

APPROVAL OF AGENDA

M/M by Councilman Stichick to amend the Agenda with the addition under NEW BUSINESS of Resolution No. 199 (A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A LOAN AND NOTE PURCHASE AGREEMENT WITH ALASKA BANK OF COMMERCE AND THE ALASKA MUNICIPAL BOND BANK AUTHORITY PROVIDING FOR THE AUTHORIZATION AND PURCHASE OF NOT TO EXCEED \$795,000.00 OF BOND ANTICIPATION NOTES, AND AUTHORIZING SAID NOTES.), following Item A. Voice vote was taken and was unanimous. Motion carried. M/M by Councilman Guinn to approve the Agenda as amended. Voice vote was taken and was unanimous. Motion carried.

COMMUNICATIONS

None other than those distributed to Council prior to the Meeting.

MANAGERS REPORT

Manager Bartlett reported that he had received a written request from Mr. Dan Johnson requesting that the lease agreement between the City of Bethel and D.M. Johnson & Sons, Inc. of the parcel of land situated within U.S. Survey No. 870, located approximately one quarter mile westerly of Bethel, be assigned to Mr. & Mrs. Nelson Brown of Bethel, Alaska as of June 1, 1977. M/M by Councilman Guinn that Council approve reassignment of the lease between the City of Bethel and D.M. Johnson & Sons, Inc., as requested. Voice vote was taken and was unanimous. Motion carried. Also, he stated that the Bond Issue that the City of Bethel had considered participating in with the City and Borough of Juneau and the City of Ketichan has been held up, as the result of a law

suit filed by someone in the North Borough, and the sale has not been effected.

MAYOR'S REPORT

Mayor Peltola reported that the City Manager, whose resignation had been filed, would be leaving June 3, 1977. Applications for the position of City Manager which had been posted and advertised would be accepted until June 17, 1977. Until such time that an appointment be made to fill the position, he recommended that Lyman Hoffman be appointed acting City Manager. M/M by Councilman Elliott that Lyman Hoffman be appointed acting City Manager on June 3, 1977, and that he continue to act in that capacity until such time as an appointment to fill the position is made. Roll call vote was taken. Yes: Peltola, Stichick, Guinn, Elliott, Hickling. Motion carried.

Mayor Peltola stated that the Alcohol Beverage Control Board would grant a limited special permit for four days to the VFW Post No. 10041, allowing the consumption of alcoholic beverages on their premises by individuals who supplied their own beverage alcohol during their upcoming convention if ratified by the City Council of Bethel. M/M by Councilman Elliott to approve the issuing of a permit by the Alcohol Beverage Control Board to the VFW Post No. 10041 allowing the consumption of alcoholic beverages on their premises by individuals who supply their own beverage alcohol during the four days of their upcoming convention. Roll call vote was taken. Yes: Elliott, Stichick, Peltola, Guinn, Hickling. Motion passed.

REPORTS OF STANDING COMMITTEES

None.

PEOPLE TO BE HEARD

Mr. Edward Hoffman addressed the Council with regard to the billing of City service accounts, for services not received, by the new computer billing system. He was informed by Mayor Peltola that the Public Works Department has records on all City Service accounts which indicate whether or not delivery was made and that they will make adjustments on all bills that their records show not receiving scheduled services.

Mr. Robert Graham presented for Council's information the results of a short survey he had taken on the performance of the Public Works Department's City Services. Council recommended that he present his findings to the Public Works Committee along with suggestions to remedy the situations that produced the most dissatisfaction among those City service customers he interviewed.

UNFINISHED BUSINESS

- Item A. PUBLIC HEARING ON ORDINANCE NO. 98
(AN ORDINANCE AMENDING SECTIONS 8.32.010 AND
8.36.020 OF TITLE 8, PUBLIC PEACE, SAFETY AND
MORALS, AND SECTION 9.16.010 AND 9.10.020 OF
TITLE 9, VEHICLES AND TRAFFIC OF THE BETHEL
CODE OF ORDINANCES.)

Manager Bartlett introduced Ordinance No. 98 for a second reading and recommended its adoption. Mayor Peltola called a Public Hearing on Ordinance No. 98, at 8:00 P.M. Manager Bartlett stated that it was necessary to remove references to intoxication as criminal offences within the Bethel Code of Ordinances and to clarify other sections which had been considered vague by the courts. Mr. John Winjum, Chief of the Bethel Police Department, inquired as to the effective date of the ordinance should Council adopt it following the Public Hearing. He was informed that should Council adopt Ordinance No. 98, it would become effective immediately. Mayor Peltola closed the Public Hearing on Ordinance No. 98, at 8:10 P.M. Manager Bartlett introduced Ordinance No. 98 for a third and final reading. M/M by Councilman Stichick that Council approve Ordinance No. 98 as presented. Roll call vote was taken. Yes: Councilman Stichick, Peltola, Guinn, Hickling, Elliott. Motion carried.

- Item B. PUBLIC HEARING ON ORDINANCE NO. 99
(AN ORDINANCE OF THE CITY OF BETHEL, PROVIDING FOR
THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS
OF THE CITY OF BETHEL IN THE PRINCIPAL AMOUNT OF
SEVEN HUNDRED NINETY-FIVE THOUSAND DOLLARS FOR THE
PURPOSE OF PAYING THE COSTS OF PLANNING, DESIGNING,
CONSTRUCTING, AND EQUIPPING THE BETHEL COURT BUILDING
LOCATED WITHIN THE CITY OF BETHEL: FIXING THE DATE,
FORM, TERMS AND MATURITIES OF SUCH BONDS; AND PRO-
VIDING FOR CERTAIN OTHER COVENANTS AND PROTECTIVE
FEATURES.)

Manager Bartlett introduced Ordinance No. 99 for a second reading. Mayor Peltola opened a Public Hearing on Ordinance No. 99, at 8:20 P.M. Manager Bartlett offered the following amendments to Ordinance No. 99, for Council's consideration:

1) Page 2, Section 2, paragraph 1, will be changed to read as follows; For the purpose of paying the costs of planning, designing, constructing and equipping the Bethel Court Building, the City shall issue its fully registered general obligation Court Building construction bond (the "Bond") in the principal amount of \$795,000 authorized by the qualified electors of the City at a special municipal election held in the City of Bethel, Alaska, on May 17, 1977, pursuant to Ordinance No. 96, passed and approved April 21, 1977.

2) Page 5, Section 4, paragraph 5, will be changed to read as follows; This bond is issued pursuant to the Constitution and laws of the State of Alaska, a vote of the qualified electors of the City, and duly adopted ordinances and resolution thereof, for the purpose of providing funds to pay the costs of planning, designing, constructing and equipping the Bethel Court Building.

3) Page 8, Section 6, paragraph 2 and 3 shall read as follows; The City hereby irrevocably covenants and pledges that it will cause the rental payments made under that certain lease of the Bethel Court Building to be deposited in a restricted account. The Trustee of such account shall determine the portion of such rental payments which is necessary to meet the principal and interest payments on the Bond as the same shall become due and shall transfer such amount to the 1977 General Obligation Bond Redemption Fund. Only the Authority shall have the right to draw on said Fund.

The City hereby further irrevocably covenants and pledges for as long as the Bond is outstanding that it will levy such taxes as are allowable under Alaska Statutes 29.53.410 without limitation as to rate or amount in amounts sufficient to pay the principal and interest on the Bond as the same shall become due in the event that the rentals from the Bethel Court Building are not sufficient to meet such principal and interest. Such amount of taxes necessary to meet such principal and interest shall be transferred to the 1977 General Obligation Bond Redemption Fund.

4) Page 12, Section 10, paragraph 10, will be changed to read as follows; In the event that the rental revenues from the State of Alaska are insufficient to pay the principal of and interest on this bond as the same shall become due, the City has fuller obligated itself to levy such taxes as are allowable under Alaska Statutes 29.53.410 to pay the principal and interest on the bond due at any given due date. The full faith, credit and resources of the City are hereby irrevocably pledged for the annual levy of taxes as provided in Alaska Statutes 29.53.410, and the prompt payment of such principal and interest.

5) Page 14, the addition of Section 15, to read as follows: The date of the bonds, the dates of issue and maturity thereof, and the due dates for payment of principal of and interest on the Bond shall be established by Resolution of the Council of the City of Bethel, Alaska.

Mayor Peltola closed the Public Hearing on Ordinance No. 99, at 8:30 P.M. Manager Bartlett introduced Ordinance No. 99 for a third and final reading with amendments. M/M by Councilman Guinn to adopt Ordinance No. 99, with amendments as presented by Manager Bartlett. Roll call vote was taken. Yes: Guinn, Peltola, Hickling, Stichick, Elliott. Motion carried.

Item C. PUBLIC HEARING ON ORDINANCE NO. 100
(AN ORDINANCE OF THE CITY OF BETHEL, AUTHORIZING THE BORROWING OF MONEY IN ANTICIPATION OF THE SALE OF BETHEL COURT BUILDING GENERAL OBLIGATION BOND APPROVED BY THE ELECTORATE ON MAY 17, 1977, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES, FIXING THE FORM, AMOUNTS, MATURITY, INTEREST RATE AND SECURITY THEREFORE, AND PROVIDING FOR A PRIVATE SALE.)

Manager Bartlett introduced Ordinance No. 100 for a second reading. Mayor Peltola called a Public Hearing on Ordinance No. 100, at 8:35 P.M. There being no comment from the audience on Ordinance No. 100, Mayor Peltola closed the Public Hearing at 8:37 P.M. Manager Bartlett introduced Ordinance No. 100, for a third and final reading and recommended its adoption. M/M by Councilman Guinn that Council approve Ordinance No. 100 as presented. Roll call vote was taken. Yes: Guinn, Peltola Stichick, Hickling, Elliott. Motion carried.

NEW BUSINESS

Item A. INTRODUCTION OF RESOLUTION NO. 198
(A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A LOAN AGREEMENT WITH THE ALASKA MUNICIPAL BOND BANK AUTHORITY PROVIDING FOR THE ISSUANCE OF SALE OF NOT TO EXCEED \$795,000 OF GENERAL OBLIGATION BONDS TO SAID AUTHORITY.)

Manager Bartlett introduced Resolution No. 198, for consideration by Council and recommended its adoption. M/M by Councilman Elliott that Council adopt Resolution No. 198, as presented. Roll call vote was taken. Yes: Peltola, Guinn, Hickling, Stichick, Elliott. Motion carried.

Item B. INTRODUCTION OF RESOLUTION NO. 199
(A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A LOAN AND NOTE PURCHASE AGREEMENT WITH ALASKA BANK OF COMMERCE AND THE ALASKA MUNICIPAL BOND BANK AUTHORITY PROVIDING FOR THE AUTHORIZATION AND PURCHASE OF NOT TO EXCEED \$795,000 OF BOND ANTICIPATION NOTES, AND AUTHORIZING SAID NOTES.)

Manager Bartlett introduced Resolution No. 199, for Council's consideration and recommended its adoption. M/M by Councilman Guinn that Council adopt Resolution No. 199 as presented. Roll call vote was taken. Yes: Guinn, Elliott, Stichick, Peltola, Hickling. Motion carried.

ITEM C. JOINT USE AGREEMENTS (CITY OF BETHEL AND THE LOWER KUSKOKWIM SCHOOL DISTRICT)

Joint use agreement (1) of facilities and equipment: _ _ _ _ _

Manager Bartlett reiterated those points embodied within the agreement which were of significant interest (i.e., 1) the agreement does not require renewal every year; 2) the agreement can be cancelled with 60 (sixty) days written notice; 3) 30 (thirty) days after having given such notice a public hearing would need to be convened to discuss the reason for having given such notice.) In addition, Manager Bartlett stated that he felt that the Council and the Lower Kuskokwim School District should in the future cooperatively work on issues that were to their mutual benefit, and that hopefully the joint use agreements would serve as the initial catalyst in such an alliance.

Joint use agreement (2) providing for the joint use of a recreational facility between the Bethel Elementary and Bethel High School for which the City of Bethel agrees to supply sand fill and the School supply certain recreation facilities:

Manager Bartlett stated that the recreational facilities, following their completion over a two year period, would be subject to joint use by the School and the City of Bethel, that they would be available for use by the residents of the City of Bethel at any time providing such use did not interfere with scheduled School activities. Mr. David Blanchett, Parks and Recreation Department Director for the City of Bethel, stated that he had reviewed both joint use agreements and recommended their ratification by Council. Manager Bartlett reiterated those points embodied within the agreement which were of significant interest (i.e., 1) the agreement is to be carried out over a two year period; 2) it can be cancelled with 30 (thirty) days written notice; 3) 15 (fifteen) days after having given such notice a public hearing would need to be convened to discuss the reason for having given such notice.) M/M by Councilman Guinn that the Council on behalf of the City of Bethel approve the two joint use agreements as presented to Council between the City of Bethel and the Lower Kuskokwim School District and that the City Manager be authorized to enter into such agreements on behalf of the City of Bethel. Voice vote was taken and was unanimous. Motion carried.

Item D. UTILITY SERVICE AGREEMENT
(CITY OF BETHEL AND THE LOWER KUSKOKWIM SCHOOL DISTRICT)

Manager Bartlett stated that it was necessary for Council to ratify the agreement for utility services between the City of Bethel and the Lower Kuskokwim School District as the Bethel Code of Ordinances dictates that any contract for utility services at a rate other than so specified within the Ordinances must be ratified by Council. The School District

has been offered a reduced flat rate of \$37,200.00 (thirty seven thousand two hundred dollars) per year for utility services in recognition of their providing to the City certain recreational facilities without charge. In addition, Manager Bartlett stated that the contract could be terminated if the School District finds that there is gross mismanagement of water or sewer services provided by the contractor or a breach of this agreement, or the contractor can terminate the agreement if there is a breach of this agreement by the District providing that the Contractor or District is given reasonable notice of the grounds for termination ~~---~~ pending for a hearing before the Public Works Committee, City Council, and or the District School Board. M/M by Councilman Guinn that Council on behalf of the City of Bethel approve the utility service agreement between the City of Bethel and the Lower Kuskokwim School District and that the City Manager be authorized to enter into such agreement on behalf of the City of Bethel. Voice vote was taken and was unanimous. Motion passed.

Item E. COMMERCIAL LEASES:

- 1) CITY OF BETHEL AND KUSKOKWIM COMMUNITY COLLEGE
- 2) CITY OF BETHEL AND BRUCE WARBA d/b/a LITTLE DISCO

Manager Bartlett stated that there were two commercial lease agreements between the City of Bethel and the Kuskokwim Community College neither of which needed to be advertised for 30 (thirty) days because the Kuskokwim Community College is considered to be a political subdivision of the State of Alaska and therefore is governed by Section One of our Real Property Ordinance which indicates that all that is required is Council's approval. Manager Bartlett reiterated the significant points of the lease on the Braund building indicating that it was a three year lease at approximately one dollar per square foot, that the City was responsible for the provision of material and labor for the installation of not more than six additional windows, that the City agreed to install carpeting throughout which the City had purchased previously, repair or replace any existing broken glass, install ceiling and light fixtures in the area previously occupied by the Court House construction effort, and to provide the lessee with any unused materials from the project. They are to renovate the balance of the facility, the estimated cost of which is between \$20,000 and \$30,000 dollars. The revenue from the rental will be \$3,000 dollars per month commencing July 1, 1977. In regard to the second lease of the second floor of the recreation building, Manager Bartlett stated that the cost to the Kuskokwim Community College for that space would be at a rate of approximately seventy cents per square foot for a total of 1,437 square feet, or a total of \$1,000 dollars per month; that it was a nine month lease with a three month option, beginning September 1st and terminating June 30th; if they wish to use the facilities during the summer they may use the three month option at the same rental rate; the lease period is for one year and must be renewed following that year; the lessee's responsibilities are to renovate

MUNICIPALITY OF BETHEL
SPECIAL COUNCIL MEETING
MAY 26, 1977

the inside of the facilities and install new locks; the lessor is to insure that the existing stairways are in accordance with local and state firecode requirements, repair the water and heating systems, replace and or repair any broken glass, and provide carpeting throughout. M/M by Councilman Elliott that Council approve the two commercial leases between the City of Bethel and the Kuskokwim Community College and that the City Manager be authorized to enter into such agreements on behalf of the City of Bethel. Roll call vote was taken. Yes: Guinn, Elliott, Hickling, Stichick, Peltola. Motion passed. Manager Bartlett stated that the commercial lease agreement between the City of Bethel and Bruce Werba d/b/a Little Disco would require advertising for (30) thirty days. M/M by Councilman Guinn that the Council accept for publication the lease agreement between the City of Bethel and Bruce Warba d/b/a Little Disco and that a public hearing on said lease be established on July 13, 1977, at 7:30 P.M. at the Council Chambers. Voice vote was taken and was unanimous. Motion passed.

Item F. WATER AND SEWER SYSTEM CONSTRUCTION AGREEMENT
(CITY OF BETHEL AND THE KUSKOKWIM COMMUNITY COLLEGE)

Manager Bartlett stated that this agreement would be effected only if funds were received by each from the Department of Environmental Conservation, Sewer and Water System Grant Programs; Monetary Appropriations from the Alaska State Legislature or other monetary resources, with the exception of the--7,500 dollars for preliminary engineering expenses which shall be funded jointly by the City of Bethel and the Kuskokwim Community College; that all funds received for said project will be managed by the City of Bethel, which shall assume responsibility for the construction of the project; that Quadra Engineering will be engaged to complete the project because they are the firm which completed the preliminary plan; and that Quadra Engineering will be held to a fixed price contract not to exceed \$650,000 dollars. M/M by Councilman Guinn that Council approve the Water and Sewer System Construction Agreement between the City of Bethel and the Kuskokwim Community College contingent upon the terms outlined by Section 8 of said agreement, and that the City Manager be authorized to enter into such agreement on behalf of the City of Bethel. Roll call vote was taken. Yes: Guinn, Stichick, Peltola, Hickling, Elliott. Motion passed

Item G. INTRODUCTION OF PRELIMINARY GRANT APPLICATION
REGARDING: BETHEL CRIMINAL JUSTICE CENTER

Manager Bartlett stated that the Introduction to the Preliminary Grant Application had been added to the Bethel Criminal Justice Center Grant application because to date there were no available funds for the proposal. The introduction indicates that the enclosed preapplication proposal is intended to facility interest

in and establish eventual plans of action, in regard to the development of a new Bethel Criminal Justice Center by the Law Enforcement Assistance Administration, State of Alaska, and the Municipality of Bethel. The City being without a real or personal property tax is able only to augment basic public services through the utilization of limited sales tax receipts (i.e., three per cent), Municipal State revenue sharing, Federal revenue sharing, and contracts, grants and utility customer services provided on a fiscal year basis. In response to the aforementioned limited revenue base of the municipality and the salient need for a new correctional facility in Bethel it further recommends that State and Federal correction specialists, legislators, and elected/administration officials of the Municipality of Bethel identify and develop monetary resources capable of funding the proposed corrections project. He added that the laws of the Justice Department make it necessary for the Law Enforcement Assistance Administration to review a grant within 90 (ninety) days and either fund it or reject it and that at this time it was his assumption that if submitted the Grant would be rejected. For this reason the Grant was being submitted as a Preliminary Grant Application to which legislators, City of Bethel Officials, and State and Federal correction specialists could begin to explore and offer recommendations for avenues through which the project could be funded. M/M by Councilman Guinn that Council accept the submission of the Preapplication of the Bethel Criminal Justice Center Grant as presented to Council on the 26th of May, 1977. Voice vote was taken and was unanimous. Motion passed.

Item H. RATIFICATION OF SECONDARY WATER SUPPLY GRANT APPLICATION
(CITY OF BETHEL AND ALASKA NATIVE HEALTH SERVICE)

Manager Bartlett reported that due to the need for a renovation of the water works on Third Avenue formerly referred to as the Nicholson Water Works the City of Bethel had replaced the floor, ordered replacement pump mechanisms, installed a 3,000 gallon water holding tank and was in the process of bringing the balance of the facility up to code, but that the City at this time was unable to purchase a 10,000 gallon holding tank also needed for the facility to insure that in the event of Pump House No. 3, becoming inoperative that the facility would be able to act as an auxillary water supply. For this reason the Alaska Native Health Service has been asked to provide the funds for this holding tank through the Secondary Water Supply Grant Application. M/M by Councilman Elliott that Council approve the submission of the Secondary Water Supply Grant Application. Voice vote was taken and was unanimous. Motion passed.

- Item I. RATIFICATION OF CONTRACT PROPOSAL ON THE ASSUMPTION OF MAINTENANCE RESPONSIBILITIES OF ALL STATE-OWNED HIGHWAYS WITHIN THE MUNICIPALITY'S JURISDICTIONAL BOUNDARIES BY THE CITY OF BETHEL'S PUBLIC WORKS DEPARTMENT.

Manager Bartlett stated that the City of Bethel proposes through this contract proposal to assume State-owned Highway maintenance responsibilities with the municipality's jurisdictional boundaries on July 1, 1977, at the reimburseable rate of monthly costs in addition to 15% (fifteen per cent) for administrative expenses and other related overhead expenditures. The monthly reimburseable rate would be based on such cost factors as labor, supplies and materials, equipment operations, and administrative expenditures to be borne by the municipality relative to executing the highway maintenance methods of operations delineated within the agreement. He further stated that the City proposes to employ three full-time staff personal under the municipal division of Street and Road Maintenance of Bethel's Public Works Department and one full time staff member under the division of Vehicle and Equipment Maintenance of the same department. The municipal division of Street and Road Maintenance would be responsible for maintaining all highways and local service roads within the City through the implementation of the methods of operations outlined within the agreement. Mr. Gary Volkman, Director of the Public Works Department, stated that he had reviewed the agreement with the Public Works Committee and recommended its approval. M/M by Councilman Guinn that the Council ratify the contract proposal as presented to Council. Voice vote was taken and was unanimous. Motion passed.

REQUEST BY MANAGER BARTLETT

Pursuant to a request by Council that a third voting precinct be formed to better enable electors in the Bethel Heights area to reach the polls during elections, Manager Bartlett requested a motion by Council requesting that he write to the Lt. Governor's Office on behalf of the City Council to request that such a third precinct be formed. M/M by Councilman Stichick that Manager Bartlett, on behalf of the City Council of Bethel, be directed to write to the Lt. Governor's Office to request that a third precinct be formed including the Bethel Heights area and all other such area to that side of the Brown Slough. Voice vote was taken and was unanimous. Motion passed.

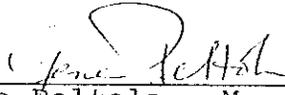
MUNICIPALITY OF BETHEL
SPECIAL COUNCIL MEETING
MAY 26, 1977

Page 11

ADJOURNMENT

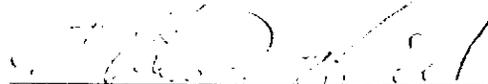
M/M by Councilman Guinn to adjourn. Voice vote was taken and was unanimous. Motion carried. Meeting was adjourned at 9:00 P.M.

APPROVED:



Gene Peltola, Mayor

ATTEST:



Altha Jean Hill, City Clerk