City of Bethel
City Council

Regular Meeting of May 24, 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, Wintersteen

III. PEOPLE TO BE HEARD

A. Agenda Items Not Scheduled For Public Hearing

None

B. Items Not on the Agenda

David Murray distributed a letter to Council, which is attached as part of these official minutes. Mr. Murray stated he is working on earning the Eagle Scout designation and wanted Council approval to clean up the playground across the slough.

motion M/M by Miller, 2nd by Wintersteen to approve the request under the direction of the Public Works Director.

Council member Tubbs pointed out that the AC Company had already adopted that park and suggested Mr. Murray join with their efforts.

Mr. Miller amended his motion to add Mr. Murray work in cooperation with the AC Company.

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

J.B. Crow addressed the Council to explain his preference not to interact with the City Manager as stated in the minutes of the May 10, 1994, regular meeting. Mr. Crow related his conversation with the City Manager at a meeting the previous summer and stated the City Manager strongly inferred the possibility that the photographs Mr. Crow had presented as evidence could have been back-dated. Mr. Crow explained this remained the basis for his reluctance to deal with the City Manager. Mr. Crow went on to state that he had met with the City Manager that day and would proceed to follow through

with Resolution #94-20.

Wally Richardson told the Council that she was asked to chair the citizen's ad-hoc committee to try and save the community. Mrs. Richardson stated City Administration was eroding community togetherness and that the committee had collected 485 signatures on a petition to terminate the City Manager without cause. Mrs. Richardson reminded Council they were elected into office and recited the number of votes each member had received. Mrs. Richardson stated the signatures indicated the support of the community for the committee's actions, and requested a work session with the Council to voice their concerns.

Mary Pavil, Executive Director for ONC, stated she had worked with the former City Manager to obtain funding for water and sewer for City Subdivision. Ms. Pavil said ONC was provided $500,000 for Native home hookup and $500,000 from CDBG grants. Ms. Pavil said she met with the current City Manager after his arrival and gave him the information, but he did not want to work with her.

Laura Wiseman responded to the City Manager's report to the Council and stated that no one had been influenced or intimidated, nor had anyone used their position or resources to influence people to sign the petition. Ms. Wiseman stated that people were afraid to sign because they were afraid the City Manager would retaliate. MS. Wiseman questioned the City Manager's use of the phrase "cost causer" in reference to clients of the PATC facility. Ms. Wiseman closed her testimony with an anecdote that 485 people were telling the Manager that something was wrong.

George Hohman addressed the Council and stated that he had no malice towards the current City Manager, but that he was concerned for the city. Mr. Hohman related his history as City Manager, and his belief that the working atmosphere for City employees had deteriorated. Mr. Hohman suggested the City change the form of government to an elected Mayor-Council arrangement, and encouraged the Council to hold a work session with the Citizen's committee.

Grant Fairbanks spoke against any cuts to the Port's FY95 budget, stating that the Port Attendants cost $18,000 and collect $19,000. In addition, Mr. Fairbanks said the Attendants performed tasks that Police Officers would not be willing to perform, such as picking up trash. Mr. Fairbanks referred to Alaska Statute 14.02.095, which, he contended, prohibits the hiring of Police Officers. Mr. Fairbanks pointed out that the Port collected $800,000 in 1993 and spent $400,000.

Howard Elliott pointed out that he had lived in Bethel for 42 years and worked at the Port for the past three years. Mr. Elliott

stated that he had not seen the City Manager visit the Port the previous summer, although the Port Director had invited him.

J.R. Krevans addressed the Council on Port safety and the importance of the Port Attendants. Dr. Krevans asked the Council not to take away what does work, pointing out that vandalism of a boat may not become apparent until someone is half-way to their destination and stranded.

Allen DeSousa stated that the Port is the biggest asset the City has, and that the people that use the Port pay for the Port. Mr. DeSousa pointed out that in his years on the Port Commission, including four as Chairman, the attitude of the Commission in regards to the budget was "why put anything in the budget since the Council will cut it anyway." Mr. DeSousa urged the Council to put more money into the Port and to listen to what the people want.

John Hastie distributed a handout concerning the Fair Labor Standards Act and compensation for overtime hours worked, which is attached as part of these official minutes. Mr. Hastie stated he brought this forward to notify the Council of potential legal action. Mayor Chris asked if this was presented as a citizen or in an official capacity. Mr. Hastie responded it was brought as a citizen.

Toby Maloy told the Council he has worked at the dock since 1978, and has seen improvements to the Port in that time. Mr. Maloy stated he wanted to support the port's efforts in improving the facility.

Robert Nelson spoke on behalf of the Port Attendants and stated that he did not moor his boat at the Small Boat Harbor because of the theft and vandalism of previous years.

IV. APPROVAL OF MINUTES

motion M/M by Jones, 2nd by Tubbs to approve the minutes of the May 10, 1994, regular meeting as presented. Voice vote. Motion carried unanimously.

IV. APPROVAL OF CONSENT AGENDA/REGULAR AGENDA

Council member Jones requested New Business Item A be removed from the Consent Agenda.

motion M/M by Wintersteen, 2nd by Miller to add Small Boat Harbor Food Wagon as New Business Item F, and to move the existing Item F to Item G. Voice vote. Motion carried unanimously.

motion M/M by Jones, 2nd by Metcalfe to approve by consent, Item B under New Business. 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 referred Council to her written report, and read the proclamation for National Safe Boating Week.

VII. MANAGER'S REPORT

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

1. Bethel Contractors Land Lease Request

Mayor Chris asked if the company requesting the lease still had gravel stored on the property. Mr. Hunter replied that they did and were still being billed for the use of the property.

Council member Metcalfe suggested the Council take no action since the company was in violation of the original lease. Mayor Chris asked that the gravel be removed by June 1.

2. Community Garden Site

motion M/M by Jones, 2nd by Trantham to approve the site as the permanent site for the Community Garden. Voice vote. Motion carried unanimously.

Council directed the City Manager to enter into a Memorandum of Agreement for the use of the site beginning next season.

3. Audit Contract

motion M/M by Miller, 2nd by Jones to approve the City Manager's request.

Motion withdrawn.

motion M/M by Jones, 2nd by Tubbs to approve a one year extension of the current contract of the auditing firm with the same terms. Voice vote. Motion carried, 6-Yes, 1-No (Miller).

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

Award of Contract for Land Appraisal/Acquisition for the Bank Stabilization Project

motion M/M by Jones, 2nd by Tubbs to direct the City Manager to proceed with contract negotiations with the firm presenting the lowest proposal for these services. Voice vote. Motion carried unanimously.

Award of Bid for Dump Body Boxes

motion M/M by Miller, 2nd by Jones to award the bid to the lowest bidder. Voice vote. Motion carried unanimously.

City Manager Hunter informed Council a work order had been issued to make repairs to the Senior Center Greenhouse.

In response to a question regarding the Fourth of July celebration, Mr. Hunter stated he would provide an update at the next meeting.

Council member Miller asked to respond to the citizens that spoke during People to be Heard. The Mayor requested he hold his comments until Council Member Comments.

VIII. REPORTS OF STANDING COMMITTEES

Scheduled dates for upcoming Committee/Commission meetings were announced.

Council member Jones stated the Finance Committee had reviewed the applications for Finance Director and had narrowed the field to five for video interviews, of which two would be flown in for personal interviews.

Council member Wintersteen reported the Port Commission had discussed the continued interest in the City taking over the Port from the State; however, the State was in the process of renewing the lease for the Port with the City. Mr. Wintersteen stated the Port Commission recommended the City not pursue taking over the Port from the State due to the liabilities involved. Mr. Wintersteen also reported Chairman Silta was leaving Bethel and thanked him for his service. Mr. Wintersteen expressed his appreciation for the support from the citizens for the Port and its activities.

Council member Miller reported the Public Works Committee did not meet due to a lack of a quorum.

Council member Tubbs reported the Public Safety Committee discussed drafting an ordinance regarding prohibiting off-road vehicles on City streets, and established terms of office for its members of three years retroactive to the date of appointment.

Council member Trantham reported the Transportation Commission met and discussed changing Title 5, Vehicles for Hire by adopting Federal Aviation Administration guidelines for blood alcohol levels for cab drivers. Mr. Trantham also reported the commission was investigating requiring fast food delivery vehicles to display decals on the vehicles.

Council member Trantham referred the Council to the minutes of the Senior Center Advisory Board meeting and relayed the Board's request to review Resolution #94-21 before the Council voted on it.

IX. OLD BUSINESS

ITEM A: Public Hearing--Ordinance #94-12: An Ordinance Amending Chapter 13.08 of the Bethel Municipal Code to Require Subscription to Municipal Sewer Services

Mayor Chris opened the Public Hearing.

Bill Stokes, Department of Environmental Conservation, addressed the Council and offered suggestions for specific changes to the ordinance. Mr. Stokes commended the Council for their efforts in addressing the problem of illegal honeybucket dumping and told the Council other villages in the area are watching Bethel and are ready to introduce similar ordinances.

Bill Lang asked the Council how private sewer systems would be handled under the proposed ordinance. Mr. Stokes responded that private systems are obligated to possess a DEC permit to operate.

Irv Kreider spoke in support of the ordinance and in support of Mr. Stokes' proposed changes to the ordinance.

Bob Graham agreed that illegal honeybucket dumping is a health hazard and proposed an alternative to honeybucket service. Mr. Graham proposed the City provide large holding tanks for areas with honeybuckets and the citizens would then empty their buckets into the tank. Mr. Graham stated this would cut down on costs to the City, while not eliminating low rent housing by mandating plumbing hookups.

Doreen O'Brien told the Council that villages are watching what Bethel is doing and that they want Bethel to clean itself up so the villages can follow Bethel's example. Ms. O'Brien stated many

women at the Prematernal Home get sick from breathing the dust in the air.

There being no other people that wished to speak, the Mayor closed the Public Hearing.

motion M/M by Jones, 2nd by Metcalfe to adopt Ordinance #94-12 with the changes proposed by Mr. Stokes.

Council member Miller expressed concern regarding implementing the ordinance with no mention of a grace period to allow people to sign up for the service. Mr. Miller also asked Council to decide if his vote would be a conflict of interest as he had been provided a waiver for his residence for honeybucket service.

No one considered Mr. Miller's vote a conflict of interest.

Council member Wintersteen stated he was concerned about the eviction clause, which he felt was too harsh. Mr. Wintersteen suggested the City sue for nonpayment, attach a person's Permanent Fund Dividend, or make the necessary improvements and bill the owner. Mr. Wintersteen also suggested a provision for those people who could not afford the service.

Council member Jones said he had no problem with a financial inability provision; however, he did have a problem with people who do not want to pay for the service.

Council member Metcalfe also stated the eviction provision was extreme, and suggested amending the provision to give the City authority to issue citations and have penalties for violations which would not require a jury trial.

Council member Tubbs agreed that the penalties provision needed to be rewritten and a provision for financial inability added.

Council member Trantham proposed specific language changes to exclude areas of the City not on the dedicated road system.

Motion withdrawn.

motion M/M by Miller, 2nd by Metcalfe to resubmit the ordinance with the proposed amendments and to call for another Public Hearing. Voice vote. Motion carried unanimously.

Mayor Chris asked all proposed amendments and changes be submitted to the City Clerk for inclusion in the revised ordinance.

ITEM B: Report from Bethel Recycling

Brian Glasheen asked the Council for additional time to provide financial data, stating he was having difficulty with his software. Mr. Glasheen asked Council its wishes on addressing the Memorandum of Agreement, which expires on June 30, 1994, and also asked for reassessment of parts of the Agreement.

Mayor Chris directed the Memorandum of Agreement be placed on a future Council agenda.

Council member Miller suggested the MOA be sent to the City Manager and Public Works Subcommittee for their recommendations.

motion M/M by Miller, 2nd by Wintersteen to refer the Memorandum of Agreement with Bethel Recycling to the City Manager and the Public Works Subcommittee for recommendations. Voice vote. Motion carried, 6-yes, 1-no (Jones).

Council broke at 9:40 p.m. for a short recess. At 9:50 p.m., Mayor Chris called the meeting back to order.

X. NEW BUSINESS

ITEM A: Resolution #94-21: A Resolution Superseding Resolution #93-04 Which Provided for the Re-Establishment of Council Committees and the Adoption of Committee Procedures

motion M/M by Jones, 2nd by Tubbs to postpone this resolution to the next Council meeting in order to allow the Senior Center Advisory Board to review the resolution. Voice vote. Motion carried unanimously.

ITEM B: Resolution #94-22: Fire Training Grant
Approved under Consent Agenda

ITEM C: Resolution #94-23: Voided

ITEM D: Gaming Permit Application
Approved under Consent Agenda

ITEM E: Presentation by Howard Elliott

Howard Elliott read aloud the letter included in the Council packet.

Discussion followed on City personnel procedures.

motion M/M by Metcalfe, 2nd by Jones to continue the meeting

past 10:00 p.m. Voice vote. Motion carried unanimously.

ITEM F: Small Boat Harbor Food Vendor

Council member Wintersteen stated that Kimo Moore and Ray Thomas had brought a request to operate a lunch wagon at the small boat harbor to the Port Commission, which approved the request and recommended it to the Council. Mr. Wintersteen spoke of the benefits the Port Commission felt the business would provide and requested Council approval.

motion M/M by Wintersteen, 2nd by Jones to issue a use permit to operate a mobile food wagon from May-September, 1994, at the Small Boat Harbor, with the understanding that the owners would be responsible for trash removal.

Mayor Chris asked if any monetary compensation was involved. Mr. Wintersteen replied none had been discussed, but the owners were willing to enter into a lease agreement with the City and were requesting the use permit until a disposal could be executed. Mr. Moore indicated they would be willing to pay $150 for the season.

motion M/M by Wintersteen, 2nd by Jones to amend the motion to include a lease payment of $150. Voice vote. Motion carried unanimously.

vote Voice vote on the main motion. Motion carried unanimously.

ITEM G: Executive Session: APEA Negotiations

motion M/M by Metcalfe, 2nd by Jones to go into Executive Session for the purpose of discussing APEA Negotiations. Voice vote. Motion carried unanimously.

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

XI. COUNCIL MEMBER COMMENTS

Council member Tubbs thanked the people who participated in Clean Up, Green Up and invited businesses to participate in the adopt-a-park program, stating the AC Company had adopted the Brown Slough Park. Mr. Tubbs also thanked the Fire Department for its quick response to a call in Tundra Ridge.

Council member Miller requested the City Manager place "Children at Play" signs on Ptarmigan Road near the Bethel Inn, and requested the Concerned Citizens Committee be placed on the next regular

agenda.

Council member Metcalfe relayed a request from a citizen regarding trash on a site near Nicholsons. Mr. Metcalfe stated that people's concerns needed to be addressed, but the Council should not meddle with the City Manager. Mr. Metcalfe said he had seen nothing of substance to support terminating the City Manager. Mr. Metcalfe also expressed his opinion that a lot of effort had gone into something negative and his desire to see that same effort redirected into something positive.

Council member Wintersteen stated if the Council terminated the City Manager, the City would have difficulty hiring anyone to fill the position due to the high turnover of City Managers. Mr. Wintersteen questioned the "recall" mindset of the community, and stated it had to stop sometime.

Council member Jones clarified a quote of his as he "was not willing to fire any City employee without cause," and stated he was willing to listen to anybody and everybody and then decide how to vote.

Mayor Chris agreed with Mr. Metcalfe's statements, and stated she wondered what made Bethel unable to retain a City Manager, and if the mentality of the community made it unable to find a City Manager to suit it.

XII. ADJOURNMENT

motion M/M by Jones, 2nd by Wintersteen to adjourn the meeting at 11:20 p.m. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 14th **DAY OF** June, **1994.**

Donna J. Chris, Mayor

ATTEST:

Connie Tucker

Connie Tucker, City Clerk