

CITY COUNCIL

Tad Miller
Dario Notti
Mike O'Brien
Agnes Phillips
Ruth Richardson, Mayor
Stanley Rodgers
Thor Williams



CITY MANAGER

Ken Weaver

CITY CLERK

L.J. Tanner

**City of Bethel
Regular Council Meeting Minutes
November 12, 1996**

I. CALL TO ORDER

The meeting was convened at 6:33 p.m. by Acting Mayor Miller in the Log Cabin, Bethel, Alaska.

II. VOICE

Present: Miller, Notti, O'Brien, Phillips, Rodgers, Williams
Absent: Richardson (excused)

III. PEOPLE TO BE HEARD

There were no people to be heard.

IV. APPROVAL OF MINUTES

Council Member Phillips asked that her absence at the October 22, 1996 meeting be specifically noted as excused. Council Member Williams pointed out several typographical errors.

motion M/M by Phillips, 2nd by Williams to approve the minutes of the October 8, 1996, regular meeting as amended.

vote Voice vote. Motion carried unanimously.

V. APPROVAL OF AGENDA

City Clerk Tanner pointed out that New Business Item K should read: Introduction of Emergency Ordinance #96-45-E, Declaring a Temporary Halt in the issuance of Taxi-cab permits.

motion M/M by Williams, 2nd by Phillips to approve the agenda as amended.

vote Voice vote. Motion carried unanimously.

VI. MAYOR'S REPORT

Acting Mayor Miller noted that Mayor Richardson was feeling under the weather, and wished her a speedy recovery.

Referring to a memo distributed before the meeting by City Manager Weaver, Mr. Miller pointed out that the City's lobbyist, Paul Richards, will be in Bethel December 9-11. Council discussed scheduling a work session meeting of the Council, Chamber of Commerce, and Long-term Strategic Planning Task Force, so that the three groups could come to some consensus about lobbying priorities before Mr. Richards' visit. Council agreed to hold the meeting at 6:30 p.m., Monday, November 25, at the Log Cabin.

Noting that there were Committee and Commission applications in the Mayor's report, Acting Mayor Miller stated that he would prefer to let Mayor Richardson make appointments at the next Council meeting.

VII. MANAGER'S REPORT

City Manager Weaver referred Council to his written reports, and discussed the following:

- **Dumpsters at Trailer Court:** Collection for the 2 dumpsters placed across the highway from the Trailer Court has been increased from twice to three times per week. Council Member Williams noted that even since this change, there is still a problem with excessive trash and overflowing dumpsters at that site. Council Member Notti pointed out that since the dumpsters are not on Trailer Court property, many people may have the impression that they are for public use. It isn't fair to make Trailer Court residents pay for collection of other people's garbage. Mr. Weaver said that the City is working with Trailer Court management to get the dumpsters moved back onto Trailer Court property.
- **Bethel Courthouse Ventilation Project Bids:** Four companies responded to the City's Invitation for Bids. Holaday Parks was the lowest responsible bidder at \$28,425. Because their bid was so much lower than the other three, Public Works Director Parsi stated, the City had their consulting engineer review the bid to make sure it was responsible. City Manager Weaver recommended awarding the bid to Holaday Parks for \$28,425.

motion M/M by O'Brien, 2nd by Phillips to award the contract for the Courthouse Ventilation Project to Holaday Parks, for the price of \$28,425.

vote Voice vote. Motion carried unanimously.

- **Donation to KYUK:** The City Manager noted he had been approached by a Council Member about making a donation to the KYUK/ARC fund-raiser. He stated that if the City is to make a donation, he would like it to be done by a vote of the whole Council. A donation was not planned in the FY97 budget. No decision made.
- **Revenue Sharing Application:** Mr. Weaver briefly reviewed the Revenue Sharing application, which had been signed by the Mayor and himself.

motion M/M by O'Brien, 2nd by Notti to endorse the City's application for Revenue Sharing.

vote Voice vote. Motion carried unanimously.

- **Sister Cities:** Mr. Weaver stated that he has learned the name and address of the new Mayor of Bethel's Sister City, Anadyr. He asked for Council direction as to whether the Sister City relationship should be continued. After much discussion, it was agreed that the City Clerk would prepare a Resolution of Holiday Greetings to Anadyr for the next Council Meeting, find out if the local schools would be interested in a letter exchange with school children in Anadyr, and send a copy of Bethel: The First 100 Years to the new Mayor.
- **Culvert Encroachment at Gary LaMotte's residence:** Mr. Weaver stated that the specific problem at Mr. LaMotte's house is being taken care of by the Public Works Department. In addition, the City needs to develop a consistent policy to apply in similar situations. After some discussion, the Council referred the issue of a policy for repairing culverts to the Public Works Committee.
- **Donation of Senior Center Piano:** letters of interest were received from the Lion's Club of Bethel, and the Kwethluk Moravian Church.

motion M/M by Phillips, 2nd by Williams to donate the Senior Center Piano to the Bethel Lion's Club.

vote Voice vote. Motion carried, 5-Yes, 1-No (Rodgers)

- Mr. Weaver stated that the final Management Report had been received from Burton & Associates. This report is a public document.
- Council Member Williams inquired of the City Manager, what would happen to all of the boats left in the Small Boat Harbor. These boats need to be removed so that the harbor can be dredged over the winter. Council Member Rodgers stated that this issue will be on the November 18 Port Commission Agenda.

VIII. REPORTS OF STANDING COMMITTEES and COMMISSIONS

Finance Committee: Council Member Phillips reported that the Committee had voted to continue using CLAIMPAY Alaska's services for ambulance billing collections. Their next meeting is December 5.

Planning Commission: Council Member Notti stated that the next meeting is on November 14.

Port Commission: Council Member Rodgers stated that their next meeting is on November 18.

Public Works Committee: Council Member O'Brien reported that the next meeting is on November 19, however, he will be unable to attend since he will be at the AML conference in Anchorage.

Public Safety Commission: Council Member O'Brien stated that the Commission is still discussing alcohol-related issues.

Transportation Commission: Council Member Williams reported that the Commission's last meeting was very productive. They are working on a river taxi ordinance, looking at the issue of inspection stations, and proposing an emergency halt on taxi permit issuance. Work Sessions to revise the Vehicle for Hire Ordinances will be held on December 2, 3, and 4, 7:00 p.m. at the City Offices.

Youth Services Committee: Council Member Miller state that he was unable to attend the last meeting. Harry Parsi, Committee Member, reported that the Committee is working on a list of park equipment for purchase.

Acting Mayor Miller called a 10-minute break.

IX. OLD BUSINESS

motion M/M by Phillips, 2nd by Williams to suspend the rules of procedure to return to the Mayor's Report in order to read a proclamation that was received during the break by Acting Mayor Miller.

vote Voice vote. Motion carried, unanimously.

Proclamation: American Education Week. Mr. Chris Fredell addressed the Council about American Education Week. Acting Mayor Miller read the proclamation.

Item A: Nominee for Southwest Region, Alaska Coastal Policy Council

Additional information had been received on the ACPC, and was included in the packet. Acting Mayor Miller asked the Council if they would like to nominate a member of the Council as a candidate, or endorse the current representative, Aloysius Unok. Council Member Notti stated that he would like to be considered as a candidate.

motion M/M by O'Brien, 2nd by Williams to nominate Council Member Notti as a candidate for the Southwest Region of the Alaska Coastal Policy Council.

vote Voice vote. Motion carried, unanimously.

Item B: PERS Retirement Incentive Program (RIP), Resolution #96-38

City Manager Weaver explained the workings of the RIP. Finance Director Bonnie Duke answered several questions from the Council.

motion M/M by O'Brien, 2nd by Rodgers to adopt Resolution #96-38, Electing to Participate in the PERS Retirement Incentive Program.

vote Voice vote. Motion carried, unanimously.

FY97 Budget Presentation by Finance Director

Finance Director Duke provided an overview of the City's fund structure for the new Council Members. Also presented were charts which show the downward trend of the City's revenue sources. Ms. Duke stated that the Council needs to examine the City's Sales Tax Policy, and perhaps make some changes or clarifications. Acting Mayor Miller asked to have the issue placed on the agenda for the first meeting in January. City Manager Weaver stated that a separate work session is needed to really give the matter the time it requires.

X. NEW BUSINESS

Item A: Review of Bethel Municipal Code 9.28 "Places of Public Entertainment"

Council Member Notti, who requested the agenda item, explained his proposed options. a) remove this section of the code entirely, or b) extend the time that places of public entertainment may be open, until 2:00 or 3:00 a.m., or c) specifically exempt fiddle dances, native dances, and sober dances from the ordinance. City Manager Weaver stated that he doesn't believe the existing ordinance applies to fiddle dances, native dances, or sober dances, since it states that "Places of Public Entertainment" are discos, pool halls, and similar establishments. Council Members Phillips, Williams, Miller, and O'Brien stated their opposition to changing the ordinance. Council Member Rodgers stated that it could be clarified somewhat. Acting Mayor Miller suggested that Mr. Notti have the City Attorney draft an ordinance making his proposed changes, for consideration at the next Council meeting.

Item B: Smoking at City-owned Buildings

Council Member Phillips, who requested the agenda item, stated her reasons for wanting the Clean Stop Laundromat to be a non-smoking facility. The second-hand smoke aggravates her asthma, and presumably has the same effect on other people who may have asthma or other respiratory conditions. She would like the City Manager to send a letter to the owners, requesting them to make the facility non-smoking. Once a formal response to Mr. Weaver's letter is received, the Council can decide how to proceed. Acting Mayor Miller stated that he was unsure if the City could impose such a request, since a lease agreement is in place, and suggested that the City Manager check with the City Attorney. Council Member Williams added that the

Clean Stop Laundromat is the only laundromat in town, so people without washers and dryers don't have a choice of which laundromat to patronize. Additionally, Mr. Williams stated, second-hand smoke has been shown to be a health hazard, especially to children.

motion M/M by Phillips, 2nd by Rodgers to direct the City Manager to consult with the City Attorney to see what authority the City has in the laundromat situation.

vote Voice vote. Motion carried, unanimously.

motion M/M by Williams, 2nd by Phillips to direct the City Manager to write a letter to the owners of the Clean Stop Laundromat, requesting that they establish a no-smoking rule at the facility.

Council Member O'Brien questioned whether or not the City has the authority to make such a request.

vote Voice vote. Motion carried, unanimously.

Item C: Introduction of Ordinance #96-44, Requiring Hotels and Motels to have General Liability Insurance.

City Attorney Lee Sharp explained the intent of the ordinance to the Council. Acting Mayor Miller noted letters in the packet from the AVCP and Toksook Bay Traditional Council supporting the requirement.

motion M/M by O'Brien, 2nd by Rodgers to introduce Ordinance #96-44.

vote Voice vote. Motion carried, unanimously.

Item D: Discussion - Backhoe

Council Member O'Brien, who requested the agenda item, explained why he would like the City to consider selling the backhoe. He distributed a memo from Chuck Willert of the Public Works Department, which listed the tasks that the backhoe is used for. The Public Works Committee has discussed this issue, and would like to obtain an estimate on the market value of the backhoe. Then perhaps a trade for a more mobile backhoe (on wheels) could be considered. Council Member Rodgers disagreed, stating that the backhoe has paid for itself, the City has qualified operators, and the backhoe should not be sold or traded. Council Member Notti stated his opposition, unless a bid equal to or greater than 95% of the appraised value is received. Council Member Williams stated his concern that a smaller backhoe might not be capable of dredging all parts of the slough and boat harbor. Council referred the matter to the Public Works and Finance Committees, with oversight by the City Manager.

Item E: Resolution #96-39 - Drug and Alcohol Free School and Recreation Zones

Council Member O'Brien, who requested the agenda item, explained that the City is actually required to post "Drug-Free School Zone" signs wherever it has posted a school zone. It may also post "Drug-Free recreation and youth center zone" signs near recreation and youth centers. Mr. O'Brien would like to add "Alcohol-Free" to the signs, and was advised by the City Attorney that it wouldn't be a problem to do so. However, City Attorney Lee Sharp advised the Council that simply posting the signs would not make it any more of a crime for a person to be drinking in front of a school. The City could, if it wanted, pass an ordinance making it a crime to drink in a school or recreation zone. If a person were issued a citation for

drinking in the school zone, the City would have to prosecute the case, and, if the defendant couldn't afford a lawyer, pay for their public defender.

motion M/M by Rodgers, 2nd by Williams to adopt Resolution #96-39.

vote Voice vote. Motion carried, unanimously.

Item F: Resolution #96-40, Endorsement and Commitment to the "Walk your Talk" Meeting's Recommendations

Ms. Shari Neth of the Public Safety Commission outlined some of the Commission's latest findings on alcohol control. Council Member O'Brien added that the "Walk your Talk" group has done a lot of work and research on ways to solve the community's alcohol problems. He would like the Council to recognize their efforts and endorse the three recommendations listed on the Resolution. Acting Mayor Miller stated that the Council couldn't endorse or promise action on Recommendation #3 - that the City hire two additional police officers - due to budget constraints. Ms. Neth suggested that the Council change the word "endorse" to "acknowledge," and the Council agreed. Mr. Miller suggested to AVCP that they ask villagers who are visiting Bethel to be responsible for their actions.

motion M/M by O'Brien, 2nd by Rodgers to adopt Resolution #96-40.

vote Voice vote. Motion carried, unanimously.

Item G: Resolution #96-41, Application for Municipal Assistance

motion M/M by Rodgers, 2nd by Notti to adopt Resolution #96-41.

vote Voice vote. Motion carried, unanimously.

Item H: Resolution #96-42, Fisheries Business Tax

motion M/M by Rodgers, 2nd by Williams to adopt Resolution #96-42.

vote Voice vote. Motion carried, unanimously.

Item I: Resolution #96-43 - Support for National Guard new Hangar Project

City Manager Ken Weaver briefly explained the National Guard project, and why he would like the Council support it.

motion M/M by Notti, 2nd by Williams to adopt Resolution #96-43.

vote Voice vote. Motion carried, unanimously.

Item J: Resolution #96-44 - Applying to become an Alaska EPA AmeriCorps Site

City Manager Ken Weaver briefly explained the AmeriCorps project, and why he would like the Council support it.

motion M/M by O'Brien, 2nd by Rodgers to adopt Resolution #96-44.

vote Voice vote. Motion carried, unanimously.

Item K: Emergency Ordinance #96-45-E - Declaring a temporary halt in the issuance of Taxi-Cab Permits

Acting Mayor Miller began by asking City Attorney Lee Sharp how "emergency" is defined in the Alaska Statutes. Mr. Sharp responded that it is not clearly defined. Council Member Williams, who requested the Ordinance, explained why he believes an emergency exists with regard to taxi-cabs and the administration of taxi-cabs. Bob Himschoot, Chairman of the Transportation Commission, addressed the Council on the need for an immediate and temporary halt in the issuance of permits. 78 cabs are currently on the road and more are expected. The market is flooded. Doreen O'Brien, also of the Transportation Commission, added that the Police Department Administration is overwhelmed with managing the number of cabs and the associated paperwork. Council Members Rodgers and O'Brien expressed their support for the ordinance. Acting Mayor Miller expressed his opposition to the ordinance. He stated that it was an abuse of the term "emergency." Free enterprise will control the number of cabs.

motion M/M by O'Brien, 2nd by Rodgers to adopt Emergency Ordinance #96-45-E.

vote Roll call vote. Motion failed, 5-Yes, 1-No (Miller)

XI. COUNCIL MEMBER COMMENTS

Miller - Announced that he would be attending the Alaska Conference of Mayor's Meeting in Anchorage, November 19-20, on Mayor Richardson's behalf.

Notti - Noted that he was disappointed in the Council's lack of action on the Places of Public Entertainment discussion.

O'Brien - Thanked all of the people in Bethel who have worked, and continue to work, on the many alcohol issues.

Phillips - Thanked all people working for sobriety. Drinking is a personal choice, and individuals are responsible for themselves.

Richardson - Absent, no comment.

Rodgers - No comment.

Williams - Requested that the Council Rules of Procedure be reviewed and updated.

XIII. EXECUTIVE SESSION

motion M/M by Williams, 2nd by O'Brien to adjourn the regular meeting and enter Executive Session for the purpose of discussing the City of Bethel vs. Andy Scheall dba Western Alaska Maintenance, and Rodgers vs. City of Bethel, at 9:35 p.m.

vote Voice vote. Motion carried unanimously.

motion M/M by Williams, 2nd by O'Brien to come out of Executive Session at 10:25 p.m.
vote Voice vote. Motion carried unanimously.

The City Clerk was instructed to place Rodgers vs. City of Bethel on the agenda for the November 26, 1996 regular Council meeting.

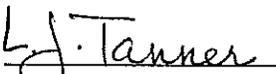
XIII. ADJOURNMENT

motion M/M by Williams, 2nd by Phillips to adjourn the meeting at 10:30 p.m.
vote Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 26TH DAY OF NOVEMBER, 1996.


Ruth M. Richardson, Mayor

ATTEST:


L.J. Tanner, City Clerk