

CITY OF BETHEL
CITY COUNCIL

Regular Meeting of January 11, 1994

I. CALL TO ORDER

The meeting was convened at 7:30 p.m. by Mayor Chris in the Log Cabin, Bethel, Alaska.

II. ROLL CALL

Present: Chris, Jones, Metcalfe, Miller, Trantham,
Tubbs, Wintersteen

III. APPROVAL OF MINUTES

motion M/M by Wintersteen, 2nd by Jones to approve the minutes of the December 14, 1993, regular City Council meeting as presented. Voice vote. Motion carried unanimously.

M/M by Wintersteen, 2nd by Jones to approve the minutes of the December 20, 1993, Special Meeting of the City Council as presented. Voice vote. Motion carried unanimously.

M/M by Wintersteen, 2nd by Jones to approve the minutes of the December 23, 1993, Special Meeting of the City Council as presented. Voice vote. Motion carried unanimously.

M/M by Wintersteen, 2nd by Jones to approve the minutes of the January 4, 1994, Special Meeting of the City Council as presented. Voice vote. Motion carried unanimously.

IV. APPROVAL OF CONSENT AGENDA/REGULAR AGENDA

Councilmembers Jones and Wintersteen requested New Business Items A, B, and C be removed from the Consent Agenda.

motion M/M by Metcalfe, 2nd by Jones to approve by consent, Item D under New Business. Voice Vote. Motion carried unanimously.

motion M/M by Jones, 2nd by Metcalfe to amend the regular agenda by adding Items A, B, and C to the agenda. Voice vote. Motion carried unanimously.

V. MAYOR'S REPORT

Mayor Chris reviewed her written report with Council. In addition, Mayor Chris advised Council that she had sent a fax to the Division of Gaming regarding the proposed changes to the State gaming regulations and indicated that the City did not support these changes but wanted the regulations to remain as they are currently written.

Mayor Chris announced appointments to City Committees and Commissions and noted that the Public Safety Committee had been increased from five to seven members.

motion M/M by Jones, 2nd by Wintersteen to accept Mayor Chris appointments/reappointments to the commissions and committees as follows:

Planning Commission: Joan Hamilton (reappointment)
Tom Warner (reappointment)
Mary Trailov (appointment
replacing vacancy left by
Robert Herron)

Port Commission: Allen DeSousa (reappointment)
William Bergen (reappointment)

Transportation Com.: Virginia Turner (reappointment)

Public Safety Com: Gary Vanasse (appointment)
John Wallace (appointment)

vote Voice vote. Motion carried unanimously.

Councilmember Metcalfe stated that he disagreed with the comments made by Mayor Chris in her Mayor's report with respect to the conduct of the January 6, 1994, Planning Commission meeting regarding the proposed Bethel Receiving Home. Discussion between Mayor Chris and Mr. Metcalfe followed. Mayor Chris acknowledged that she had not attended the meeting, but had received at least five telephone calls from people who were in attendance. Mr. Metcalfe stated for the record that he attended the meeting and that he did not hear racial remarks or hissing at comments made by the participants. Responding to Councilmember Metcalfe's concern, Mayor Chris stated that she would revise her report under Conduct of Meetings (paragraph 2) to read "during the Planning Commission meeting Thursday night it was reported to me there were people in the audience... ."

motion M/M by Trantham that Council accept paragraphs #2 and #6 of the Mayor's Report for January 11, 1994, as official conduct at all city government meetings.

Councilmember Trantham withdrew his motion and agreed with the suggestion from Mayor Chris to include a policy statement regarding conduct of meetings in the City Council's Rules of Procedure.

VI. MANAGER'S REPORT

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

1. Request from K-300 Race Committee

motion M/M by Miller, 2nd by Wintersteen to approve continued support to the K-300 Sled Dog Race from the Animal Control Officer, and to disapprove the contribution of a cash donation. Voice vote. Motion carried unanimously.

Councilmember Wintersteen directed City Administration to submit a letter to the K-300 respectfully explaining that the City is not in a financial position to provide cash donations to organizations. Councilmember Trantham pointed out that in past years the City has contributed to the K-300 by in-kind donations through use of the Log Cabin including water, heat and electricity. In addition, Mr. Trantham noted that organizations requesting donations from the City were asked to submit their requests during the annual budget cycle at which time such requests would be given consideration for inclusion in the budget.

2. Commission & Committee Policy Recommendations

motion M/M by Miller, 2nd by Trantham to support the policy recommendations for City of Bethel Commissions and Committees with the hope that it will intensify the purpose for those members sitting on City committees and commission. Voice vote. Motion carried unanimously.

3. D.A.R.E Memorandum of Agreement

motion M/M by Miller, 2nd by Trantham to approve the Memorandum of Agreement between the City of Bethel and LKSD for the purpose of the City providing D.A.R.E. Program instruction to students at Kilbuck Elementary School between January 24 and May 27, 1994. Voice vote. Motion carried unanimously.

4. Ice Road Maintenance

City Manager Hunter advised Council that the City had received four bids in response to the IFB for ice road maintenance:

Bethel Contractors	\$11,800
Hoffman-Langlie	8,440
J&T Services	7,130
Foundation Services	4,840

All but one bid (Bethel Contractors) was responsive to the requirements of the IFB.

motion M/M by Miller, 2nd by Trantham to accept City Manager Hunter's recommendation to enter into contract negotiations with Foundation Services in the amount of \$4,840 per trip.

Informational Items from the City Manager's Report and Questions to the City Manager

City Manager Hunter announced that Kevin Miller had stepped down as Acting Public Works Director because of a conflict with the APEA negotiations. Tom Bouillion, Planning Manager, had been appointed to the acting position as the City continued its recruitment process.

In response to a question from Mayor Chris regarding the status of the sewer lagoon project, Finance Director Elam suggested Council request a report from the Construction Manager, Jordan Suhr, regarding the amount of dirt that remained to be excavated. Mr. Elam pointed out that beginning February 1, 1994, all funds from Village Safe Water will have been exhausted and the City will have to carry the costs until July at which time the City would receive the next appropriation from the State (VSW).

VI. REPORTS OF STANDING COMMITTEES

Scheduled dates for upcoming commission/committee meetings were announced.

Councilmember Wintersteen referred Council to the December 6, 1993, minutes of the Port Commission and reported that the Commission reviewed the following items: 1) Port Development Study (a joint meeting of the Port/Planning/Public Works Commissions/Committees is scheduled to review the study on January 17); 2) the possible postponement of signing the Project Agreement for the bank stabilization project; 3) recommendation to Council to fund four

CITY COUNCIL MINUTES

PAGE 5

JANUARY 11, 1994

harbor attendant positions from May 15 through October 15, 1994, to increase security at the dock; 4) recommended a study be taken by the City to determine the actual administrative overhead that is incurred by administration for providing administrative services to the Port; 5) recommended to Council that the interest that is generated from the Port Enterprise fund balance be retained in the Port fund rather than the General Fund; and 6) recommended to Council to increase the cost of the stevedoring fee from \$500 to \$5,000 per year.

Councilmember Tubbs referred Council to the minutes of the December 22, 1993 Public Safety Committee and reported that the Committee reviewed the following items: 1) Police Department rank structure and; 2) traffic accidents occurring at snow machine crossings.

Councilmember Metcalfe referred Council to the minutes of the January 6, 1994, Planning Commission meeting and reported that the Commission reviewed and approved the following items: 1) unanimous approval of the abbreviated preliminary plat--lot north of Tract C, Block 4, Turnkey III housing, 226 Ptarmigan Street (site of the Bethel Receiving Home) and; 2) approval of the least of City land (cited above) for the receiving home.

Councilmember Trantham reported that the Youth Services Committee met on January 3rd. Because they did not have a quorum the Committee went into a work session where they heard testimony from people regarding a suggestion to relocate the weight room to give the Youth Center the additional space required for its program.

VIII. PEOPLE TO BE HEARD

Harry Faulkner pointed out that the K-300 Sled Dog Race was an annual event that gave the residents of Bethel something to do during the winter, and also brought money into Bethel which in part went to the City in the form of sales tax.

Mary Ann Wilson, a resident of King Salmon and Democratic candidate for the Senate District T, gave a brief presentation on her experience and qualifications as a candidate for the Senate.

Ben Dale asked Council to review the fuel thru-put tax that was increased two years ago by two cents a gallon for use as matching monies for the seawall project. Mr. Dale stated that it was his understanding that the amount of the increase was to be reviewed annually.

Council requested that a review of the fuel thru-put tax be placed on the January 25, 1994, agenda.

CITY COUNCIL MINUTES
PAGE 6
JANUARY 11, 1994

Council broke at 8:40 PM for a short recess. At 8:55 PM, Mayor Chris called the meeting back to order.

IX. OLD BUSINESS

ITEM A: Public Hearing--Ordinance #93-38: An Ordinance Amending Title 13, Chapter 13.04.260(B) Entitled Billing (Water Service), Chapter 13.08.210(B) Entitled Billing (Sewer Service), and Chapter 13.12.070(B) Entitled Billing (Solid Waste Collection and Disposal)

Mayor Chris read the ordinance into the record and then opened the meeting to the public.

Finance Director Elam informed Council that the ordinance was a recommendation from the Finance Committee and that the effect of the ordinance was to set back the due date by five days, from the 15th of the month to the 20th of the month, for payment of water, sewer and solid waste services.

There being no further comments from the public, Mayor Chris closed the public hearing.

motion M/M by Tubbs, 2nd by Miller to approve Ordinance #93-38 extending payment due date for utility billing five days. Poll vote. Motion carried unanimously.

ITEM B: Resolution #93-50: A Resolution Supporting the City's Agreement with the Bethel Recycling Project

Mayor Chris read Resolution #93-50 into the record. Councilmember Miller stated that he had introduced the resolution to insure that the City was honoring its agreement with Bethel Recycling. Mr. Miller reported that he had met with City Manager Hunter who assured him that the agreement would be fulfilled.

motion M/M by Miller, 2nd by Metcalfe to withdraw Resolution #93-50 given the efforts by the City to fulfill its contract with Bethel Recycling. Voice vote. Motion carried unanimously.

X. NEW BUSINESS

ITEM A: Resolution #94-01: A Resolution Supporting the Increase of the Stevedoring Permit Fee Established Under the Port of Bethel F.M.C. Terminal Tariff.

motion M/M by Jones, 2nd by Trantham to approve Resolution #94-01 increasing the Stevedoring Permit Fee from \$500 to \$5,000 per year.

CITY COUNCIL MINUTES

PAGE 7

JANUARY 11, 1994

Port Director Greydanus informed Council that the Port Commission at its December 21, 1993, meeting voted to recommend that Council approve the increase of the Terminal Use Permit at the Dock from \$500 per year to \$5,000 per year. Mr. Greydanus further advised Council that eight companies purchased a terminal use permit in 1993 and that the increase in the fee would help to offset the cost of maintaining dock facilities.

Councilmember Wintersteen stated that he would like more information regarding the increase, especially how the rate compared to other port facilities in Alaska. Other council members expressed concern about the effect the increase would have on the smaller stevedores. Mr. Greydanus responded by stating that each facility is different and, therefore, it is difficult to compare the cost of one operation with another.

motion M/M by Trantham, 2nd by Metcalfe to allow comments from the audience regarding Resolution #94-01. Voice vote. Motion carried unanimously.

Ben Dale protested the increase stating that the increase in the fee would be passed on to the consumer. Mr. Dale suggested taxing outgoing goods which would be a more equitable way of distributing the increase in costs to the dock.

Harry Faulkner stated that while he does not act as a stevedore, he purchases a terminal use permit and uses his own equipment to unload his merchandise from the dock to his place of business. To pay \$5,000 for this use would be prohibitive and would force him to hire a stevedore.

Allen DeSousa, Port Commissioner, said the Council should consider the cost of maintenance and improvements needed at the dock.

vote Poll vote. Motion to approve Resolution #94-01 failed: 3-yes (Jones, Miller, Trantham); 4-no (Chris, Metcalfe, Tubbs, Wintersteen)

Following the vote, Mr. Greydanus pointed out that the Temporary Use Permits expired December 31, 1993, and that stevedoring companies would be able to take advantage of the time Council requested to research and receive additional information to buy the permits at the less expensive rate.

Discussion regarding how to change the vote followed. A recess was called, the City Clerk was asked to obtain a copy of Robert's Rules of Order, and Mayor Chris called the meeting back to order.

motion M/M by Tubbs, 2nd by Trantham to continue the meeting past 10:00 p.m. Voice vote. Motion carried unanimously.

CITY COUNCIL MINUTES
PAGE 8
JANUARY 11, 1994

motion M/M by Tubbs, 2nd by Jones to rescind the vote on Resolution #94-01. Poll vote. Motion carried. 5-yes (Chris, Jones, Miller, Trantham, Tubbs); 2-no (Metcalf, Wintersteen)

motion M/M by Jones, 2nd by Trantham to approve Resolution #94-01 increasing the stevedoring permit from \$500 to \$5,000. Poll vote. Motion carried. 6-yes (Chris, Jones, Miller, Trantham, Tubbs, Wintersteen); 1-no (Metcalf).

NOTE FOR THE RECORD: Research on Title 14 of the BMC entitled Harbors and Ports, Chapter 14.02.050 entitled Establishment of Rates, Charges, and Tariffs found that in order to establish rates (which are subject to approval by the City Council), a public hearing must first be conducted by the Port Commission and notice specifying the time and place given in at least one publication at least 15 days before the hearing in the local newspaper. In addition, rates adopted by the City Council may not go into effect less than 10 days after passage and approval by the Council. Robert's Rules of Order (Newly Revised 1990 Edition, 9th Edition, page 108) states the following:

"No main motion is in order which conflicts with national, state, or local law, or with the bylaws (or constitution) or rules of the organization or assembly. If such a motion is adopted, even by a unanimous vote, it is null and void."

Because a public hearing was not conducted by the Port Commission in accordance with the Bethel Municipal Code, Resolution #94-01 must be considered null and void.

ITEM B: Introduction of Ordinance #94-01: A Temporary Ordinance Amending Title 2, Chapter 2.04.030 Entitled Order of Business by Placing People to Be Heard after Roll Call

motion M/M by Jones, 2nd by Wintersteen to introduce Temporary Ordinance #94-01 for public hearing January 25, 1994. Voice vote. Motion carried unanimously.

ITEM C: Introduction of Ordinance #94-02: An Ordinance Authorizing the Disposal/Lease of Property to the State of Alaska for a Bethel Children's Residential Facility

motion M/M by Metcalfe, 2nd by Tubbs to introduce Ordinance #94-02 for public hearing January 25, 1994. Voice vote. Motion carried 6-yes; 1-abstention (Miller abstained because of a conflict of interest).

ITEM D: Gaming Permit Application -- Bethel Broadcasting Inc.,
1994 Monte Carlo Application

Approved by Consent

ITEM E: Executive Session: Personnel Issues--Role to be Played
by the City Manager in Various Personnel Matters and in
Collective Bargaining Negotiations

motion M/M by Jones, 2nd by Tubbs to go into Executive Session for the purpose of discussing the role to be played by the City Manager in various personnel matters and in collective bargaining negotiations. Voice vote. Motion carried unanimously.

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

XI. COUNCIL MEMBER COMMENTS

Councilmembers Trantham and Miller stated they supported Mayor Chris' comments in the Mayor's report regarding participants' conduct at City meetings.

All council members expressed their distaste for the defacement of numerous buildings in town with the inscription "KKK". Mr. Miller recommended that the Police Department identify the buildings and that he would be willing to remove the offensive inscription where possible. City property should be also inspected to insure that property was not defaced.

XII. ADJOURNMENT

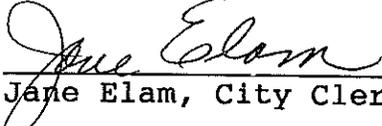
motion M/M by Jones, 2nd by Tubbs to adjourn the meeting. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 25th DAY OF January, 1994.



Donna J. Chris, Mayor

ATTEST:



Jane Elam, City Clerk