

City of Bethel
City Council

Regular Meeting of January 10, 1995

I. CALL TO ORDER

The meeting was convened at 7:30 PM by Mayor Wintersteen in the Log Cabin, Bethel, Alaska.

II. ROLL CALL

Present: Harding, McComas, Miller, Tubbs, Twitchell, Wintersteen

Absent: Chris (excused)

III. PEOPLE TO BE HEARD

Tom Warner, Bethel, addressed Council with four concerns: what was taking the sewer lagoon project so long to complete; the outflow design problem should be corrected and paid at the engineer or contractor level; what was taking so long for the next phase of the City Subdivision water and sewer expansion; and was ownership of the museum artifacts transferred and what guarantee of treatment did the artifacts have. Mayor Wintersteen answered the last concern, relating that the Council had approved a loan agreement with AVCP for the artifacts and the agreement had insurance requirements to protect the artifacts. City Manager Hunter responded to the questions regarding the sewer lagoon and promised to send a copy of the project engineer's most recent report and schedule for the project. Mr. Hunter also responded to the concern regarding City Subdivision water and sewer project, stating that the preliminary design had been submitted to Village Safe Water for its review and approval, and that the City was waiting for their response.

IV. APPROVAL OF MINUTES

motion M/M by Miller, 2nd by Tubbs to approve the minutes of the December 13, 1994, regular meeting as presented. Voice vote. Motion carried unanimously.

motion M/M by Tubbs, 2nd by McComas to approve the minutes of the December 14, 1994, special meeting as presented. Voice vote. Motion carried unanimously.

IV. APPROVAL OF CONSENT AGENDA/REGULAR AGENDA

motion M/M by Tubbs, 2nd by Miller to approve by consent, Items A, B and C under New Business. Voice vote. Motion carried unanimously.

motion M/M by Miller, 2nd by McComas to amend the agenda by adding New Business Item E: Gaming Permit Applications--Bethel Broadcasting and AVCP, Executive Session Item B: Legal Strategy--Wulvik v. City of Bethel, and Executive Session Item C: City Manager Contract Renewal Notice. Voice vote. Motion carried unanimously.

motion M/M by Twitchell, 2nd by Miller to amend the agenda by adding New Business Item F: Election Signs. Voice vote. Motion carried unanimously.

motion M/M by Miller, 2nd by Tubbs to approve the agenda as amended. Voice vote. Motion carried unanimously.

V. MAYOR'S REPORT

Mayor Wintersteen thanked Council member Miller for inviting him to the Receiving Home Elder Blessing.

Mayor Wintersteen directed Council's attention to the Council calendar and suggested the Council move establishing budget priorities to the February 14, 1995, regular meeting, since the audit work session would have to also be rescheduled. The Mayor also indicated a worksheet would be developed to aid Council in determining the priorities.

Mayor Wintersteen also discussed the City Manager's contract renewal notice that would be discussed in Executive Session and asked that the Council be provided with a copy of the City Manager's contract and his last evaluation.

The Mayor then discussed the City Clerk's leave request and asked Council for its direction.

motion M/M by Miller, 2nd by Tubbs to authorize the City Clerk's leave request. Voice vote. Motion carried unanimously.

Mayor Wintersteen explained his philosophy in determining appointments to committees and commissions, adding that if a member requests a reappointment, he will discuss it with the chair of the committee or commission and reappoint if the member is contributing. If a resignation occurs, the Mayor indicated that he would appoint the best person. Mayor Wintersteen then made the following appointments:

Planning Commission--reappoint John Guinn and Mary Trailov for three year terms.
Port Commission--reappoint Buster Richardson and Clair Grifka for three year terms.

motion M/M McComas, 2nd by Twitchell to ratify the appointments. Voice vote.
Motion carried unanimously.

Mayor Wintersteen then referred Council to his written report and read the proclamation declaring January 22-29, 1995, as Kuskokwim 300 Sled Dog Race Week in Bethel.

motion M/M by McComas, 2nd by Miller to accept the Mayor's proclamation. Voice vote. Motion carried unanimously.

Mayor Wintersteen asked that Council complete the Attorney evaluation form and turn it in to him by January 19, so the final results could be discussed at the January 24 regular meeting.

Mayor Wintersteen asked that cost estimates and proposed wording for placing snowmachine crossing signs be provided to Council. Council member Miller asked that legal requirements for the size and placement of the signs be researched, and Council member McComas asked that the City's liability once the signs are installed be determined.

Mayor Wintersteen read a portion of a letter sent by the Yukon-Kuskokwim Health Corporation thanking the Fire Department for its assistance in recent emergencies and added his thanks and pride in the department.

VII. MANAGER'S REPORT

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

1. Request for Work Session

City Manager Hunter stated that the suggested date for the rescheduled work session was January 25 at 7:00 p.m. in the City Offices Conference Room. The Council agreed by consensus.

2. Bethel Recycling Project Request

City Manager Hunter explained that the Recycling Project was requesting the use of the City's flatbed truck for two to three hours every six weeks, and that

City Administration had no objection.

motion M/M by McComas, 2nd by Miller to provide the truck for the Recycling Project's use. Voice vote. Motion carried unanimously.

Council member McComas asked that insurance requirements regarding City vehicles and non-employees be followed.

3. Award of Ice Road Maintenance Bid

City Manager Hunter explained that the City has a process for posting and advertising Invitations for Bids and that this process was followed for the Ice Road Maintenance Contract.

motion M/M by Miller, 2nd by Tubbs to authorize the bid award to Foundation Services for the Ice Road Maintenance Contract.

Council member McComas suggested that in the future, the City advertise more than once for this contract.

Mayor Wintersteen stated he had received three calls concerning this award, all saying that the City had always advertised all four weeks in the thirty day notice. Mayor Wintersteen said that he researched the 1993 Invitation for Bids on the Ice Road Maintenance contract, and the City only advertised one week during the thirty day notice, noting that the City had followed the ordinance and past practice with the current Invitation for Bids.

City Manager Hunter stated that he had received no calls directly on this matter, but had heard of the concerns. Mr. Hunter asked that in the future, the public direct questions to the City Manager and he would provide the information.

vote Voice vote on the motion. Motion carried unanimously.

4. Snow Removal Policy

motion M/M by Miller, 2nd by Tubbs to approve the Snow Removal Policy. Voice vote. Motion carried unanimously.

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

Council member Miller asked that the City continue to monitor the landfill attendants, as he had found the landfill unattended and unlocked on January 5.

VIII. REPORTS OF STANDING COMMITTEES

Scheduled dates for upcoming Committee/Commission meetings were announced.

Council member McComas reported the Planning Commission had not met due to a lack of a quorum.

Council member Tubbs reported that the Finance Committee did not meet in December.

Council member Harding reported that the Public Safety Committee had met on January 4, and discussed the Police Department turnover and had prepared a list of recommendations that were to be forwarded to the City Administration. Council member Miller referred to the minutes of the December meeting and asked if the issue of monitoring VHF Channel 16 had been discussed further. City Manager Hunter indicated that he had received a list of names to contact and was awaiting further information to develop a recommendation. Council member Harding stated that the committee had also reviewed the Fireworks Ordinance and recommended Administration review the ordinance and standardize the issuance of waivers. Council member Miller suggested adding the Mayor as an alternate to the committee of three, if one member is out of town.

motion M/M by Miller, 2nd by Harding to propose change to the Fireworks Ordinance, naming the Mayor as an alternate to the committee of three. Voice vote. Motion carried unanimously.

Mayor Wintersteen reported that the Senior Advisory Board met in December and discussed servicing two meals per day. Mayor Wintersteen also reported that Mary Pavil, Director of ONC, spoke at the meeting and said that ONC was investigating taking over the Senior Center from the City. Mayor Wintersteen then read a resolution from the Advisory Board asking that the manager of Ayalpik Apartments be given a key to the Senior Center for use in emergencies. City Manager Hunter responded that he had denied the request initially, but would check with the State's Division on Aging for their approval, so that funding is not jeopardized.

motion M/M by Miller, 2nd by McComas to provide a Senior Center key to the Ayalpik Apartment manager contingent on approval from the state. Voice vote. Motion carried unanimously.

Council broke at 9:05 p.m. for a short recess. At 9:15 p.m., Mayor Wintersteen called the meeting back to order.

IX. OLD BUSINESS

ITEM A: Public Hearing--Proposed Lease with Circle A Enterprises for Lease of Laundromat Facilities

Mayor Wintersteen opened the Public Hearing.

Eric Shrum, chairman of the Finance Committee, addressed the Council, relating the history of the laundromat and the Finance Committee. Mr. Shrum stated that most of the proposals received in the past for leasing or buying the laundromat were lopsided and the Finance Committee felt the offer from Circle A was fair for both sides. Mr. Shrum asked the City not to waste the Committee's time if it wanted to stay in the laundry business, and said the City should continue to subsidize the laundromat if it did not want to relinquish control of the rates; however, he agreed with the Finance Committee's recommendation to accept the proposal from Circle A.

In response to a question from Council member Miller, Mr. Shrum stated that the laundromat is supposed to be run as an enterprise, not a subsidized service. Mr. Shrum also stated that the laundromat has never been run at a profit or as a business. Council member McComas asked if the City were unable to run the business at a profit, how could a private operator make money. Mr. Shrum responded that money could be made through controlling costs, smarter purchasing and extended hours. Mr. Shrum concluded by stating that the Finance Committee had made a number of recommendations to the Council regarding running the Laundromat, but the recommendations were not followed.

Jim Bach, Bethel, stated that Bethel had an "icky" image, and the Laundromat was a necessity to prevent a health hazard. Mr. Bach said that if the rates were raised, it would have a large impact on families. Mr. Bach also questioned who would be liable if the fuel tank leaked, the tenant or the City, since this was not addressed in the lease. Mr. Bach then added that other businesses, such as telephones, electricity, etc., have their rates regulated.

Agnes Phillips, Bethel, spoke in opposition of the lease primarily due to prices. Mrs. Phillips stated the laundromat was important to her family's health, since using the laundromat is a necessity, with only part of the town hooked up to running water and sewer.

Janet Athanas, Circle A, reminded Council that the City requested proposals to take over the laundromat. Mrs. Athanas stated she understood the concerns about rate increases, and

that was why they were proposing to run other businesses at the laundromat. Mrs. Athanas said she was opposed to the restriction on use of the building and the clause regarding approval of rate increases. Mrs. Athanas spoke of adding dry cleaning services, pick-up and delivery services, more food service, and a play area for children. Mrs. Athanas spoke of the fuel tank liability, stating that her husband is trained in Haz-mat procedures and that a clause could be added to the lease regarding liability.

Mayor Wintersteen asked Mrs. Athanas if she would be amenable to revising the clause on use and operation by striking the word "solely" and replacing it with the word "Primarily". Mrs. Athanas indicated that would be agreeable. Mayor Wintersteen asked why the Athanas's were proposing to strike a sentence in paragraph ten requiring the City's approval for structural changes. Mrs. Athanas answered that they wanted the option to add structures to improve the laundromat. Discussion followed regarding the wording of paragraph 15, with an agreement reached to add the wording "as soon as possible". Mayor Wintersteen also confirmed that the Athanas's wanted to eliminate paragraph 30, providing for Council approval of rate increases.

There being no one else who wished to speak, Mayor Wintersteen then closed the Public Hearing.

motion M/M by Miller, 2nd by Tubbs to approve the lease agreement for purposes of discussion.

Through a misunderstanding, the Council at this time proceeded with a voice vote on the motion, which carried unanimously. When it was pointed out that the Council had, in effect, approved the Lease, the following motion was made.

motion M/M by Miller, 2nd by McComas to reconsider the approval of the lease agreement. Voice vote. Motion carried.

motion M/M by Miller, 2nd by Tubbs to approve the lease agreement.

discussion Council member McComas stated that he had spent three days at the laundromat and found no one who was in favor of the proposed lease. Mr. McComas stated that he thought the City could do a better job of running the laundromat if it were run as a business. Mr. McComas suggested installing meters on all of the machines to determine the amount of use and revenue that is generated to get a better idea of cash flow and handling.

Council member Miller stated that Circle A had already improved the Laundromat by identifying problems. Mr. Miller pointed out that there is

precedent for governmental regulation of rates. Mr. Miller stated that he continued to have concerns about subsidizing rates to one business without offering the same rate to other businesses. Mr. Miller warned that leasing the facility might create bad faith with the state, since the state provided the money to build the facility, and that Bethel was creating a bad impression with the State in soliciting money. Mr. Miller urged Council to place the issue before the people in a special election.

Council member Tubbs stated that this had been an on-going issue for years, and he thought it would be better run under the private sector. Mr. Tubbs cautioned the Council to think of future years when Municipal Assistance and Revenue Sharing may be cut and the City may not be able to afford subsidizing the laundromat. Mr. Tubbs stated that offering a subsidized rate would level the field for more free enterprise, and added that the City should not regulate the rates. Mr. Tubbs concluded by stating his support of the lease.

Council member Harding stated that he had no real problems with the lease, other than the concern over liability for the fuel tank. Mr. Harding questioned why the lease specifies Janet and Larry Athanas and not Circle A Enterprises. Mr. Harding added that he would like to see a rate schedule attached as part of the lease.

Council member Twitchell stated he was concerned that the laundromat would be operated in such a way as to cause it to run down or the increased rates would not be put back into the business. Mr. Twitchell reminded Council that the City used to run a bus service that was ran into the ground after it was privatized. Mr. Twitchell also asked to see a rate schedule included with the lease.

Mayor Wintersteen stated that he supported the concept of the lease, and pointed out that the City will have to raise the rates if it retained control to replace the defective machines. Mayor Wintersteen spoke in support of allowing other business ventures in the laundromat to support the business. Mayor Wintersteen also spoke in support of eliminating the clause requiring City Council approval of any rate increases. Mayor Wintersteen concluded by cautioning that the time was coming when the City would not be able to afford the needed improvements to the laundromat.

motion

M/M by Tubbs, 2nd by Miller to amend the lease by revising paragraph 2 by removing the word "solely" and replacing it with "primarily"; by removing

paragraph 30; and by adding "as soon as possible" to the end of paragraph 15, subsection C. Poll vote. Motion carried, 4-yes, 2-no (McComas, Twitchell).

vote Poll vote on the main motion. Motion failed, 2-yes, 4-no (Harding, McComas, Miller, Twitchell).

X. NEW BUSINESS

ITEM A: Resolution #95-01: A Resolution Amending City Council Rules of Procedure

Approved under Consent Agenda

ITEM B: Resolution #95-02: A Resolution Requesting the Release of Matching Funds from the Department of Transportation to the Corps of Engineers for the Bethel Bank Stabilization Project

Approved under Consent Agenda

ITEM C: Gaming Permit Application(s)--UAF-Kuskokwim Campus, VFW Ladies Auxiliary, VFW

Approved under Consent Agenda

ITEM D: Review and Approval of Application for AML District IX Representative

Council member McComas addressed Council asking to be nominated as District IX Representative to the AML Board of Directors, stating that this region has not had a representative since Diane Carpenter, and adding that AML has input in all of the State's departments' priority lists for projects. Mr. McComas said he was only asking for airfare to attend the three remaining meetings, and that he would furnish his own accommodations.

motion M/M by Miller to appoint Mr. McComas as Region IX Representative to the AML Board of Directors. Motion died for lack of a second.

ITEM E: Gaming Permit Application--Bethel Broadcasting and AVCP

motion M/M by Tubbs, 2nd by Miller to approve the gaming permit application submitted by Bethel Broadcasting. Voice vote. Motion carried unanimously.

motion M/M by Twitchell, 2nd by Miller to approve the gaming permit application submitted by AVCP. Voice vote. Motion carried unanimously.

ITEM F: Election Signs

Council member Twitchell suggested that the City establish a permit system for posting political signs and asked that the City Manager investigate a permitting process.

Council member Miller asked the City Manager to write letters to the candidates, asking them to remove the signs and, if there is no response, to release the list of candidates names to the media. Mr. Miller also suggested contacting the Boy Scouts and community service workers as resources for removing the signs.

The City Clerk indicated that she had researched this issue for a former Council member and would provide a copy of her report to the Council.

XI. COUNCIL MEMBER COMMENTS

Council member McComas stated he hoped everyone had a nice holiday, and urged the Council to consider having a representative on the AML Board.

Council member Tubbs stated he was disappointed that the Laundromat lease did not pass, and said he hoped for the best for the community.

Council member Miller reiterated his view that the Laundromat issue should be placed before the people. Mr. Miller also thanked the Mayor for attending the Elder Blessing at the Receiving Home.

Council member Harding also hoped that everyone had a happy holiday and added that he was pleased that allowing fireworks worked so well.

Council member Twitchell spoke of his recent vacation and said he was pleased that the Laundromat lease did not pass.

XII. EXECUTIVE SESSION

Item A: Labor Matters--APEA Contract Negotiations

motion M/M by Tubbs, 2nd by McComas to go into Executive Session for the purpose of discussing labor negotiations--APEA, legal strategy--Wulvik v. City of Bethel, and City Manager contract renewal. Voice vote. Motion carried unanimously.

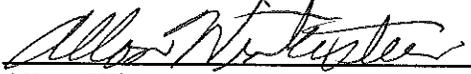
motion M/M by Miller, 2nd by Tubbs to come out of Executive Session. Voice vote.

Motion carried unanimously.

XII. ADJOURNMENT

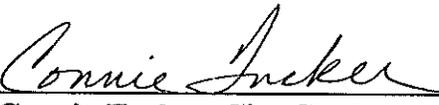
motion M/M by Harding, 2nd by Twitchell to adjourn the meeting at 11:10 p.m.
Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 24TH DAY OF JANUARY, 1995.



Allan Wintersteen, Mayor

ATTEST:



Connie Tucker, City Clerk