

**CITY COUNCIL**

*Donna Chris  
Kent Harding  
Buford McComas  
Tad Miller  
Joanne Swanson  
Don Tubbs  
Allan Wintersteen, Mayor*



**CITY MANAGER**  
*Ken Weaver*

**CITY CLERK**  
*Connie Tucker*

**City of Bethel**  
**Regular Council Meeting Minutes**  
**September 12, 1995**

**I CALL TO ORDER**

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

**II ROLL CALL**

Present: Harding, Miller, Swanson, Tubbs, Wintersteen

Absent: Chris (excused), McComas (unexcused)

**III PEOPLE TO BE HEARD**

Mike O'Brien, Bethel, stated that the Council had, in the past, fought the perception of personal agendas. Mr. O'Brien went on to relate that three members of the Council had phoned in to a local radio program to express their views on the local option election. Mr. O'Brien said that the Mayor had made it clear that he was speaking as a private citizen, and Council member Miller made no reference to his position on Council. Mr. O'Brien added, however, that Council member Swanson made it known that she was speaking as a member of the Council. Mr. O'Brien advised Ms. Swanson to remember that she was appointed to the Council, not elected, and, while he agreed that she has the right to free speech, to also remember that she represents all the citizens of Bethel.

**IV. APPROVAL OF MINUTES**

**motion** M/M by Miller, 2nd by Harding to approve the minutes of the August 22, 1995, regular meeting and the September 5, 1995, special meeting as presented. Voice vote. Motion carried unanimously.

**V. APPROVAL OF AGENDA AND CONSENT AGENDA**

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

**motion** M/M by Miller, 2nd by Tubbs to amend the agenda by deleting Executive Session Item A: APEA Negotiations and replacing it with Legal Strategy-- Nunapitchuk, Ltd. v. City of Bethel. Voice vote. Motion carried unanimously.

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

## **VI MAYOR'S REPORT**

Mayor Wintersteen appointed Amy Smith and Kate Hamilton to the Youth Services Committee.

**motion** M/M by Tubbs, 2nd by Harding to accept the appointments to the Committee. Voice vote. Motion carried unanimously.

Mayor Wintersteen read a letter of support for the office of Public Assistance.

**motion** M/M by Miller, 2nd by Swanson to send the letter as written. Voice vote. Motion carried unanimously.

Council member Miller addressed the population determination from the Department of Community and Regional Affairs for FY97 Revenue Sharing and Municipal Assistance. Mr. Miller advised the Council to request an adjustment to the population figure of 5195, and requested information on how the figure is determined.

City Manager Weaver stated that he could investigate the methods used to determine the population, and added that the burden of proof would be on the City if it challenges the number.

**motion** M/M by Miller, 2nd by Harding to direct the City Manager to initiate research regarding the methods used in determining the population and the process for challenging the number. Voice vote. Motion carried unanimously.

## **VII MANAGER'S REPORT**

City Manager Weaver referred Council to his written report and requested direction on the following items:

### **1. Waste Oil Storage and Clean Up**

City Manager Weaver referred Council questions to the Public Works Director, Harry Parsi.

In response to questions from the Mayor, Mr. Parsi estimated the cost of a new waste oil burner to be \$9500, and that it would burn the approximately 1500 gallons of waste oil in one-and-a-half to two years, with the current oil burner also in use.

Council member Harding asked if the current oil burner still worked. Mr. Parsi responded that it has not worked in almost one year because parts are needed to repair it.

Mr. Parsi informed Council that the cost for the clean up could be taken from the Braund Building capital match until the mid-year budget adjustment.

Discussion followed on the installation of the new burner.

**motion** M/M by Miller, 2nd by Tubbs to accept the City Manager's recommendation for the clean up, beginning with the line item transfer of funds. Voice vote. Motion carried unanimously.

## **2. Sole Source Procurement**

City Manager Weaver referred Council to the memo from the City Clerk and Finance Director regarding the motion authorizing a sole source purchase of a water truck.

**motion** M/M by Miller, 2nd by Tubbs to rescind the motion of August 22, 1995, authorizing the sole source procurement of a water truck. Voice vote. Motion carried unanimously.

Council member Harding suggested that the City Manager coordinate with the Public Works Director and Committee to develop the specifications for an Invitation for Bids in the Spring.

### ***Informational Items/Discussion/Questions on City Manager's Report***

City Manager Weaver referred Council to the letter from the Corps of Engineers advising the City that another piece of land needed acquisition for the Bank Stabilization Project, and informed the Council that he had contacted Land Field Services to begin the negotiations for the property.

Mayor Wintersteen thanked Mr. Weaver for the additional information included with the City's Department of Transportation priorities submission, adding that the information more accurately reflects the wishes of the Council.

## **VIII REPORTS OF STANDING COMMITTEES**

***Scheduled dates for upcoming Committee/Commission meetings were announced.***

Council member Tubbs reported that the Finance Committee had not met.

Council member Miller referred his report to the item on the agenda.

Council member Swanson reported that the Transportation Commission had not met.

Council member Harding reported that the Youth Services Committee had not met.

**IX. OLD BUSINESS**

**Item A: Lease of Lot 1B, Block 5, USS 870--Korean Community**

**motion** M/M by Miller, 2nd by Swanson to table this item to the next regular meeting.

Council member Miller stated that the City needed to wait for a response from the attorneys so that the Council could review the lease in its final form. The Council agreed to authorize the City Manager to negotiate with the Korean Community with the City Attorney's input by consensus.

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

**Item B: Council Response to Public Works Committee Presentation**

Mayor Wintersteen referred Council to the minutes of the work session in the packet.

Mike O'Brien, Public Works Committee Chair, thanked the Council for the opportunity to work with them and added that he hoped it was the beginning of a long and fruitful relationship. Mr. O'Brien then read the minutes from the work session, which are attached as part of these official minutes.

**X. NEW BUSINESS**

**Item A: Introduction of Ordinance #95-24: An Ordinance Amending Section 4.16.120, Entitled Interest for Delinquency, Section 4.16.190(C), Entitled Refund of Sales Tax--Interest, Section 13.04.270(D), Entitled Delinquent Accounts, Section 13.08.220(D), Entitled Delinquency, and Section 13.12.080(D), Entitled Delinquency of the Bethel Municipal Code**

*Passed by consent.*

**Item B: Introduction of Ordinance #95-25: An Ordinance Authorizing the Acquisition of an Easement for Drainage Across Lot 3, Block 4 of Block 9, USS 3770**

*Passed by consent.*

**Item C: Resolution #95-43: A Resolution Accepting a Grant for Coastal Management Planning and Implementation**

*Passed by consent*

**Item D: Resolution #95-44: A Resolution Authorizing an Amendment to the PERS Participation Agreement Adding the City Manager Position**

*Passed by consent*

**Item E: Resolution #95-46: A Resolution Appointing From the Qualified Electors of the City of Bethel Election Judges for Precincts One, Two and Three for the October 3, 1995, Municipal General Election**

*Passed by consent*

**Item F: Gaming Permit Application--Bethel Broadcasting**

*Passed by consent*

## **XI COUNCIL MEMBER COMMENTS**

Council member Miller encouraged people to recycle and call the Can Man for more information. Mr. Miller also encouraged more people to run for Council, adding that the City needs people who are bold and can afford to dream. In response to requests to the candidates to declare any special interests, Mr. Miller stated that his special interests were elders, children, Natives, non-Natives, people uncomfortable with government, people comfortable with government, etc.

Council member Harding welcomed the two new members to the Youth Services Committee and thanked Public Works for the gravel spread on the roads.

Council member Swanson stated that she had enjoyed the last five months on the Council, and added that it had been a learning experience. Ms. Swanson thanked the Council for its confidence and appointment. Ms. Swanson related that she had been asked by the media four times if she was running for a Council seat, and announced that she would not be running in the October election as there were other challenges she wanted to pursue. Ms. Swanson then thanked all of the people who had supported and encouraged her, and stated that someone who is bilingual in English and Yup'ik should run for the Council, as there is a population in Bethel that needs representation.

Mayor Wintersteen advised anyone holding MarkAir coupons to have them ticketed by September 15 or they would be useless. Mayor Wintersteen also advised everyone that the Port Attendants' last day of work would be September 15, and suggested people take any valuables out of their boats.

**XII EXECUTIVE SESSION**

Item A: Legal Strategy--Nunapitchuk, Ltd. v. City of Bethel

Item B: Update--YKHC v. TIPSAs

**motion** M/M by Miller, 2nd by Harding to take a short break and then go into Executive Session for the purpose of discussing Legal Strategy--Nunapitchuk, Ltd. v. City of Bethel and Update on YKHC v. TIPSAs. Voice vote. Motion carried unanimously.

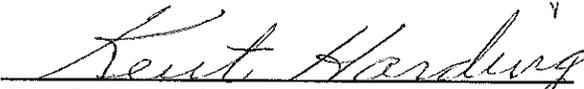
**motion** M/M by Swanson, 2nd by Miller to come out of Executive Session. Voice vote. Motion carried unanimously.

**motion** M/M by Miller, 2nd by Swanson to accept the settlement offer for Nunapitchuk, Ltd. v. City of Bethel. Voice vote. Motion carried unanimously.

**XIII ADJOURNMENT**

**motion** M/M by Swanson, 2nd by Tubbs to adjourn the meeting at 8:50 p.m. Voice vote, Motion carried unanimously.

PASSED AND APPROVED THIS 26TH DAY OF SEPTEMBER, 1995.

  
Kent Harding, Acting Mayor

ATTEST:

  
Connie Tucker, City Clerk