

---

---

# City of Bethel, Alaska

## City Council Minutes

---

---

October 28, 2003

Regular Meeting

Bethel, Alaska

---

### **CALL TO ORDER**

A regular meeting of the Bethel City Council was held on October 28, 2003, at 6:30 p.m. in the council chambers, Bethel, Alaska.

Mayor Short called the meeting to order at 6:30 p.m.

### **ROLL CALL**

Comprising a quorum of the Council, the following were present:

Stanley "Tundy" Rodgers	Thor Williams
Dave Trantham	Hugh Dymnt
Hugh Short, Jr.	Dario Notti

Excused absence(s): Andrei Jacobs

Unexcused absence(s): none

Also in attendance were the following:

Bob Herron, City Manager  
Amanda Roudebush, City Clerk

### **SPECIAL ORDER OF BUSINESS**

#### **Item A – Flu Shots**

Public Health Nurses did not attend the meeting

#### **Item B – Mayors Oath**

Oath given

Council Member Trantham asked the Mayor if he owed the City of Bethel any sales tax.

### **PEOPLE TO BE HEARD**

Balassia Nicholai – Spoke in favor of the Assisted Living Home Project.

Nelly Hausa "Dana Hall to speak for Nelly" in support of the Assisted Living Home, gives reasons and examples of why she thinks Bethel could use a home for the elderly.

Gladys Jung – Spoke in favor of an Assisted Living Home

**Mayor requests a special order to go back to People to Heard at a later time. All agreed.**

**APPROVAL OF MINUTES**

<b>MOVED BY:</b>	Williams	To approve the amended minutes from the 10-14-03 Council meeting
<b>SECONDED BY:</b>	Dyment	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
-----------------------	---

**Special Order – PEOPLE TO BE HEARD**

Antone Anvil – Spoke in support of Ordinance #03-14 approving a land lease with YKHC. Spoke about why Bethel needs an Assisted Living Home.

**APPROVAL OF CONSENT AND REGULAR AGENDA**

<b>MOVED BY:</b>	Trantham	To approve the agenda as amended
<b>SECONDED BY:</b>	Williams	

*City Manager Herron request to remove Resolution #03-33 from the consent agenda for discussion.*

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
-----------------------	---

<b>MOVED BY:</b>	Trantham	To appoint a applicant to the Senior Advisory Board at the next Council meeting on 11-18-03
<b>SECONDED BY:</b>	Short	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
-----------------------	---

**MAYOR’S REPORT**

Items included in the Mayor’s report:

- City Lobbyist
- Invitation from Crowley to attend the November 4<sup>th</sup> celebratory luncheon
- Letters from Alfred Wallace and Kenneth Owens – Council member Trantham requested for the Mayor to respond them personally.
- Nushagak Consultants letter
- Letter from the City of Valdez – Mayor Short requested a Resolution in support of the City of Valdez

<b>MOVED BY:</b>	Trantham	To have Mayor Short work with City Manager Herron to draft resolution for Valdez.
<b>SECONDED BY:</b>	Rodgers	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
-----------------------	---

<b>MOVED BY:</b>	Trantham	To have Council Member Williams attend and testify on behalf of the Seniors at 11-5-03 Public Hearing with Senator Dyson & Department of Health and Human Services in Anchorage by teleconference.
<b>SECONDED BY:</b>	Williams	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
-----------------------	---

## MANAGEMENT TEAM'S REPORT

City Manager Herron's report included the following:

- Discussion of the FAA donations to the Senior Center
- Crow property did not close when expected, will return with update
- Yukon Kuskokwim Health Corporation inspection request of Kasayuli Road, City Manager Herron's response
- ONC joint Work Session with City Council dates to be set up for conference
- Cost of heat traces in piped water system in City Subdivision
- Fire Protection features for Phase A
- Expansion of the Court System Proposal discussion
- City Manager Herron travel status & future travel plans
- Personnel matters – open positions, applications, loss of positions
- Quonset Hut donation from YKHC – moving it to City property discussion  
Council gave unanimous consent to prepare for the movement of the building.

## Comments

Council Member Trantham had questions regarding the Kasayuli Road.

Council Member Williams had questions about Crow Property, commercial rates for dumpsters, and heat traces in the piped water system of City Subdivision.

Council Member Dymont had questions about dumpster pricing – residential and commercial

Council Member Rodgers had questions regarding the Kasayuli Road project and heat traces on the City Subdivision piped water system.

City Manager Herron responded to each comment and question. Discussion ensued about each topic in question.

*Break at 7:44 for 10 minutes*

Comments from City Clerk Roudebush about online Council Packets and Newsletter

City Manager Herron introduced the City of Bethel Lobbyist, Paul Richards. He addressed the Council on events that have happened over the past year. He spoke on communications and communication techniques available to the Council if they agree, for better communications. He addressed the issue of revenue cuts and what the State of Alaska has planned for the cuts.

## REPORTS OF STANDING COMMITTEES

**Senior Advisory Board** – Council member Trantham reported on some of the programs offered at the Senior Center and gave a brief explanation of them. He reported that the Woodworking shop will be open by Christmas. The next scheduled meeting will be on November 12, 2003.

**Parks and Recreation Committee** – No report.

**Planning Commission** – Council Member Rodgers reported that there had not been a meeting, next scheduled meeting on November 13, 2003

**Port Commission** – Council Member Williams talked about the issues brought up at the Port Commission meeting. They discussed the purchase of the Port by the City, purchasing their own garbage dumpsters, phone booths and floatation booths, BNC security of land, moving the Port office, and a request of an Ordinance for no fishing off the Port Dock.

**Public Works Committee** – Council Member Notti reported the topics of discussion at the Public Works Committee. They discussed oil spill clean up, graveling, safety checks performed, lift station winterizations, commercial rates for dumpsters, recommending a trail plan.

Council Member Rodgers commented that a trail plan had already been introduced to ONC. Discussion ensued about trails and future plans for them.

**Public Safety and Transportation Commission** – Council Member Dymont reported that there had not been a meeting. He has been speaking with Chief of Police Morris about current issues and traffic problems. The next scheduled meeting for November 17, 2003.

**Finance Committee** – Mayor Short reported that there had been no meeting. The next scheduled meeting is on November 27, 2003.

## **UNFINISHED BUSINESS**

### **Item A – Public Hearing for Ordinance #03-14: Authorizing a lease of City owned real property to Yukon-Kuskokwim Health Corporation for an Assisted Living Facility for the elderly and adults with disabilities.**

J.R. Krevans, MD spoke on behalf of the medical staff of YKHC. He spoke about patients and about how the majority of the medical staff supports the lease. He also mentioned the importance of getting this as soon as possible.

Dana Hall spoke in support of the Assisted Living Facility. She is a member of the task force assigned to making the facility happen. She spoke about the work that has been done, and the accomplishments the task force has made. She states that everything is ready to start the funding process except for the site control issue.

Council Member Dymont questions about the Assisted Living Task Force's approach to BNC for land.

Louise Charles, Director of Senior Services, spoke in favor of the Assisted Living Facility.

Tom Hildreth, Assisted Living Task Force, spoke on research done by the task force over the past seven years. Is speaking in favor of the Ordinance and encouraged Council to vote in favor if it.

Council Member Trantham had questions and comments about the proposed Assisted Living Facility and the failure of the Lulu Heron facility. He would like guarantee that the same thing will not happen again.

Council Member Williams has comments and questions regarding usage of land already have at Lulu Heron Facility.

Mark Springer, Grant Writer at YKHC, is working on the funding for the Assisted Living Facility. He gave a brief history of his life in Bethel and the project of an Assisted Living Facility. He addressed getting the land from BNC question by Council Member Dymont. He also addressed section 3 of the Ordinance and agreed that it is not needed.

Elizabeth Lee, Director of Homecare at YKHC, spoke in support of the Ordinance and encouraged Council to vote in favor of it.

John Dickens, Vice President of the Public Safety and Transportation Committee, spoke in favor of the Ordinance #03-14. He told stories of his experiences as a Volunteer EMT. He also spoke about why he believes the Assisted Living Facility need to be in Bethel as soon as possible.

Joan Hamilton spoke in favor of the Assisted Living Facility and how much it is needed.

Mark John, Calista Elders Council and the Assisted Living Task Force, gave a brief history of his work with elders across the State of Alaska. He spoke in favor of the Ordinance and asked Council to vote to pass the Ordinance #03-14.

Peter Aluska spoke in favor of the Assisted Living Facility giving personal experiences as his reasons.

*Break for five minutes*

<b>MOVED BY:</b>	Williams	To remove section 3 from Ordinance #03-14 and to move the publication date to October 28, 2003.
<b>SECONDED BY:</b>	Rodgers	

*Amendment to change the date of publication to October 3, 2003*

<b>VOTE ON MOTION</b>	Motion tabled to November 18, 2003 meeting
-----------------------	--

Discussions ensued about the removal of section three from the Ordinance. The problem with section three is a policy issue according to Council Member Williams.

Mayor Short declared a conflict of interest due to the fact that his position at YKHC is directly related to construction and planning according to AS29.20.010. Discussions ensued on the potential conflict of interest. The ruling of Vice Mayor Williams was that there is a potential conflict of interest. The Council agreed with a roll call vote of 5-1, (Notti). The meeting was then turned over to the Vice Mayor Williams, who then resumed the discussion.

The meeting was given back to Mayor Short after discussion ended.

<b>MOVED BY:</b>	Williams	To set a second public hearing for November 18, 2003 on Ordinance #03-14
<b>SECONDED BY:</b>	Rodgers	

<b>VOTE ON MOTION</b>	Motion carried with unanimous vote
-----------------------	------------------------------------

<b>MOVED BY:</b>	Williams	To table Ordinance #03-15, discussion items A & B, and Ordinance #03-16 Public Hearing to the November 18, 2003 Council meeting
<b>SECONDED BY:</b>	Rodgers	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
-----------------------	---

## **NEW BUSINESS**

**Item A** – Discussion Item – Waste Oil – **TABLED: 11-18-03**

**Item B** – Discussion Item – “Donut Hole” – **TABLED: 11-18-03**

**Item C** – Introduction Ordinance #03-16: Amending The Bethel Municipal Code Section 5.40.020 to clarify the maximum number of times a chauffeur applicant can take the written and driving test in one calendar year. – **TABLED: 11-18-03**

**Item D** – Resolution #03-33: Requesting the Attorney General of the State of Alaska to investigate the proposed acquisition of Yukon Fuel Company by Crowley Corporation.

Discussion was lead by City Manger Herron about waiting to approve Resolution #03-33 until the November 18, 2003 Council meeting. Representatives from Crowley Corporation will address the Council and answer questions at that time.

<b>MOVED BY:</b>	Williams	To adopt Resolution #03-33: Requesting the Attorney General to investigate acquisition of Yukon Fuel by Crowley Corporation
<b>SECONDED BY:</b>	Rodgers	

<b>VOTE ON MOTION</b>	Motion was tabled to November 18, 2003 Council meeting.
-----------------------	---

Discussions continued about waiting on the Resolution #03-33. Requests were made for Crowley representatives to attend the November 18, 2003 Council meeting, and to contact representative from AVCP to attend the meeting as well. Council requested advice from the Lobbyist Paul Richards.

Mr. Richards addressed the Council with his background in the oil industry. He advised the Council to seek outside help from an expert in the field and to compare the offer from Crowley to the expert opinion at the November 18, 2003 meeting.

<b>MOVED BY:</b>	Rodgers	To suspend the Rules to go past 10:00 p.m.
<b>SECONDED BY:</b>	Dyment	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
-----------------------	---

<b>MOVED BY:</b>	Williams	To instruct the City Manager to find an attorney to represent the City of Bethel at the November 18, 2003 meeting about the Crowley offer to the City.
<b>SECONDED BY:</b>	Notti	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
-----------------------	---

<b>MOVED BY:</b>	Trantham	To Adjourn the meeting at 10:50 p.m.
<b>SECONDED BY:</b>	Rodgers	

<b>VOTE ON MOTION</b>	Motion Failed vote 3-3 (Dyment, Williams, Short – Nay)
-----------------------	--

<b>MOVED BY:</b>	Rodgers	To suspend the Rules to go past 11:00 p.m.
<b>SECONDED BY:</b>	Dyment	

<b>VOTE ON MOTION</b>	Motion carried by vote 5-1(Trantham)
-----------------------	--------------------------------------

Break for 5 minutes

**Item E – Discussion Item – Luce Property Purchase**

Discussion was lead by City Manager Herron explaining the legal problems between the City of Bethel and Luce's. He talked about the negotiations and the offers that have been presented. He gave explanations of the cost differences in buying the property or going to Court. Discussion ensued with Council.

Council Member Trantham declared a possible conflict of interest due to the fact that the Luce's attorney is also representing him in some personal legal matters. Discussion ensued on this matter. It was decided unanimously that there was no capital or monetary gain interfering with Council Member Trantham's vote, therefore no conflict of interest was present.

Discussions continued about the Luce property purchase or court. The cost of each was discussed and the possibility of the property becoming a rental or selling the house was addressed.

<b>MOVED BY:</b>	Dyment	To purchase the Luce Property
<b>SECONDED BY:</b>	Rodgers	

<b>VOTE ON MOTION</b>	Motion carried by roll call vote 5-1 (Williams)
-----------------------	---

**Item F – Discussion Item – Purchase of two one ton Sander trucks**

Greg Sargent addressed the Council as a member of the City who inspected the vehicles. He reported the condition of the trucks and the maintenance of the trucks was of very high quality. He also agreed that the price of the trucks were a very good deal and recommended to Council to approve the purchase. Discussions ensued. A written inspection report by Gregg Sargent was requested.

<b>MOVED BY:</b>	Williams	To purchase two one ton Sander trucks for the City of Bethel
<b>SECONDED BY:</b>	Dyment	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
-----------------------	---

<b>MOVED BY:</b>	Rodgers	To adjourn the meeting at 12:00 a.m.
<b>SECONDED BY:</b>	Trantham	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
-----------------------	---

**APPROVED THIS 18<sup>th</sup> day of November 2003.**

ATTEST:

\_\_\_\_\_  
Hugh Short, Jr., Mayor

\_\_\_\_\_  
Amanda Roudebsuh, City Clerk