
City Council Minutes

June 27, 2006

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on June 27, 2006, at 6:30p, in the Council Chambers, Bethel, Alaska.

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

II. ROLL CALL

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

Members present:

Mayor R. Thor Williams
Council Member Hugh Dymont
Council Member Leinberger Dan
Council Member Kenick
Council Member Dave Trantham

Members absent:

Council Member Andrew McGowan
Council Member Tundy Rodgers

Others present:

Acting City Manager Laurie Walters
City Attorney Sharon Sigmon (Acting City Clerk)

III. PEOPLE TO BE HEARD

1. Willie Keppel addressed the council giving his appreciation for city employees. He suggested extending Clean Up Green Up. Reminded public of the Wind Diesel Conference coming up.

IV. APPROVAL OF THE CONSENT AGENDA AND REGULAR AGENDA

MOVED:	Dymont	To accept the Regular Agenda and consent agenda
SECONDED:	Trantham	
AMENDMENT	Dymont	To postpone the Executive Session item from the regular agenda to the next regular council meeting.
SECONDED:	Leinberger	
VOTE ON MAIN MOTION	Carried unanimously.	

Mayor Williams – directed the City Clerk to procure evaluation forms for the City Attorney position from Alaska Municipal League if available.

V. SPECIAL ORDER OF BUSINESS

Item A- PROCLAMATION HONORING GEORGE G. KILBUCK, Local Soldier Killed in Vietnam

Mayor Williams read the proclamation into the record.

MOVED:	Trantham	To accept the resolution honoring George G. Kilbuck
SECONDED:	Kenick	
VOTE ON MAIN MOTION	Carried unanimously	

VI. APPROVAL OF MEETING MINUTES

- 6/13/06 Regular Meeting Minutes
- 6/15/06 Special Meeting Minutes

Meeting minutes passed on the consent agenda

VII. REPORTS OF STANDING COMMITTEES

Parks and Rec – Ms. Kenick reported there was not a quorum at the last scheduled meeting. The next meeting is scheduled for next month. Mayor Williams reminded the committee to post any vacancies.

Finance Committee – Council member Leinberger reported the final water and sewer rate formula was passed unanimously by the committee and will be forwarded on to council. Discussed were different types of deposits for sales tax remittals. Technical changes were discussed for the BMC for the next few months. Sales tax issues such as receipts were discussed. Next meeting is July 13th.

Port Commission – Mayor Williams reported this committee met June 19th. We discussed the Honorary Captain of the port. Breakup and damage to the seawall and Petro Port was discussed. Much work has been done near the small Boat Harbor. We are working on the sea wall, dock security, met with DOT.

Public Safety Committee – Council member Dyment reported July meeting will be June 30th instead of July 3rd.

Cemetery Committee – Council member Trantham reported the committee extends their thanks to the city council and the citizens of Bethel for honoring their funding pledges for the new cemetery.

AML – Council member Trantham reported Senate Bill 141 regarding PERS and TERS has had an injunction filed to halt the July 1st date the tier IV inception. He reminded the council of the summer AML meeting coming up in Homer and to get reservations in soon. Also in August the City of Bethel should get their application in for the August 2007 AML meeting to be held in Bethel. He stated the criteria had been turned over to the City Clerk and it is on line also. There is a Candidates Primer that will have advance copies available at the next meeting. Mr. Trantham has been given the responsibility to distribute this information to all local statewide candidates. AML is still searching for an Executive Director. Mr. Kevin Ritchie will be staying on

for a couple of months. His stay on the Denali Commission has been extended. The Denali Commission has a new Chief Executive Officer who formerly lived and worked in Bethel.

VIII. UNFINISHED BUSINESS

PUBLIC HEARING ON ORDINANCE 06-13: An Ordinance Exempting The City’s Procurement of Three New Dump Trucks Related To A Federal Dust Control Grant, From The Provisions Of Chapter 4.20 Of The Bethel Municipal Code And Authorizing Administration To Proceed With The Procurement Of Trucks, Not To Exceed \$250,000 (City Manager)

Mayor Williams called for any public input on the matter on the floor and there was no response from the public. Mayor Williams closed the public hearing.

MOVED:	Dyment	To adopt 06-13
SECONDED:	Kenick	
VOTE ON AMENDMENT	Carried unanimously.	

Dyment – we have done this in the past to waive some requirements to get the project done on time and at a good price.

Leinberger – asked if part of the funds were coming out of the port fund.

Kenick – responded that the port was purchasing a new truck and their old truck was going to Public Works Department.

Trantham – move to suspend the rules to allow persons in the audience to address the council

Wayne Ogle – our oldest truck is from 1979. It breaks down very frequently. We haul a lot of materials and road projects that these trucks will be used for. The Port has purchased their new truck. I have seen the trucks and they are quite satisfactory for our uses. We will be getting the old Port truck and we will have at least three very good trucks in our inventory. These trucks will be \$98,500 at the dock in Bethel, and we will be able to purchase two trucks.

PUBLIC HEARING ON PROPOSED PUBLIC NUISANCE: - Property located at 115 Blueberry Street, Bethel, AK (City Manager)

Mayor Williams called for any public input on the matter on the floor.

MOVED:	Dyment	To take a 10-minute break
SECONDED:	Kenick	
VOTE ON MAIN MOTION	Carried unanimously	

City Planner Abboud – presented information verbally and visually regarding the property being addressed. He reported that eight vehicles were removed from the property last year and more were deposited there. In October, 2005 a burned out trailer was put on the property. By

December 2005 the status of the rubbish deteriorated and more cars were brought to the property. Some of the debris has now been removed from the property. The city had agreed to help remove the cars if the rest of the debris was removed; however, the debris is still there. Leinberger – what is the zoning for this property?

Abboud – Preservation

Abboud – The BMC codes that were violated are 13.12.270, 13.12.250, among other sections. There were no permits to relocate this trailer to the property. The City Planner cited several other BMC sections that this property violated.

Mr. Al Bianchi addressed the council with regard to several issues involved with the debris deposited on the property in question. He stated his son, Salvatore Bianchi owns the property and Mr. Al Bianchi has control of the property.

MOVED:	Dyment	To declare this property is a public nuisance and require the owner to have it all cleaned up by July 15. If the property owner does not remove the items, cars, trucks and broken equipment, the city of Bethel would remove the items and charge the costs to the property owner.
SECONDED:	Trantham	
Amendment	Dyment	To add "and trash"
Second	Kenick	
Vote on Amendment	Carried Unanimously	
Amendment	Leinberger	To change the date from July 15 th to July 17 th to clean up the property.
Second	Dyment	
Vote on Amendment	Carried: 4-1 Williams voting against	
VOTE ON MAIN MOTION	Carried unanimously	

Dyment - There are many people who violate the public good. Every other community in the country takes this action. If we do this, there will be less people who do this in the future.

Leinberger – This council has given three weeks, is this fair.

IX. NEW BUSINESS

(b) Request for City Council to Set Public Hearing of Two Proposed Public Nuisances

(City Manager)

Walters – I would defer to the City Planner

Abboud – We have a couple of more similar situations. We have reached the end of our remedies and would like council to address these properties.

Dyment – I would suggest we set these two hearings at a Special Meeting because it would be more comfortable for the property owners. People might have fallen on hard times and a Special Meeting would still be public but it would not be on the radio.

Dyment – Requested the Mayor call a special meeting at a time when he thinks he can get as many council members as possible there.

Mayor Williams - I will call a special hearing for July 12th to have a public hearing to address the two public nuisances brought before the council today.

Leinberger – we should have a standard policy that we either will have the hearings in a regular meeting or special meeting.

Kenick – Agree with councilmember Leinberger. These things get into the citizens business.

Dyment – I’m quite happy to have this in Special Meetings because it helps preserve the dignity of the persons involved.

MOVED:	Leinberger	All future public nuisance issues that require hearings be held in a Special Meeting outside our regular meeting.
SECONDED:	Dyment	
VOTE ON MAIN MOTION	Carried unanimously.	

Acting City Manager – Public hearings are effective to deter this type of behavior, however, this is a last resort after much effort.

Kenick – We should allow City Planner to introduce the two properties.

Abboud – Pictures are in the packet. We have worked with these property owners for a long time. We have had numerous public complaints and there are health concerns.

Williams – Is there a reason why the prop on Akiak was not hooked up to city water and sewer?

Abboud - The prop had been scheduled to be demolished. The Akiak property is not inhabited by an owner, it is a rental.

8:32:38 PM Ten minute break

Recommendation From The Port Commission For Appointment Of Honorary Captain Of The Port (Mayor Williams)

Williams – The Port Commission had three nominations and they recommended Elias Venes as Captain of the port

MOTION	Dyment	To make Elias Venes the Honorary Captain of the Port
SECOND	Trantham	
VOTE ON MAIN MOTION	Carried unanimously	

Division of the Public Safety and Transportation Commission (Mayor Williams)

Williams – We used to have seven committees, but we combined two at one time in the past. We have six committees or commissions but seven council members.

MOVED:	Dyment	To direct the staff attorney to draw up an ordinance to divide the Public Safety and Transportation Commission into two separate committees.
SECONDED:	Kenick	
VOTE ON MAIN MOTION		Carried: 4-1 Trantham voting against

Dyment- I will put this on the agenda for the Public Safety and Transportation Commission. Some members have interests in public safety issues and some have interest in transportation issues.

Approval of Renegotiated Alaska Court System Lease (City Manager)

The Acting City Manager addressed the council with information regarding the Renegotiated Alaska Court System Lease. Issues discussed were rent rates, other tenants, expenses and other lease figures.

MOVED:	Leinberger	To direct administration to adjust the clause on the renewals such that the length of the lease is at least as long as the mortgage on the property.
SECONDED:	Kenick	
Amendment	Leinberger	To also negotiate the clause under (b) 'Adjustments' which has the monthly rental rate firm through 2009 to negotiate that for a date of June 30, 2007.
Second	Dyment	
Vote on Amendment		Carried: 4-1 Williams voting against
Vote on Main Motion:		Carried unanimously

Williams – when we started this with Kit Duke three years I mentioned that we make their lease 20 years-that they will be in this building for at least 20 years. We need to protect ourselves. I would like to see the whole lease.

Kenick – I'm very uncomfortable with this situation, that we are discussing this after construction has begun. Normally these findings are done before any commitments are made, before we are out there. There are still many negotiations that need to be done with the State of Alaska.

Walters – the court system was expecting we sign this at the end of this meeting.

Leinberger – The court system must expect we would have some CPI after this year. It also works for the State if the cost of oil drops.

MOVED:	Dyment	table the approval of the Renegotiated Alaska Court System Lease until the July 11 th meeting
SECONDED:	Leinberger	
VOTE ON MAIN MOTION		
Carried unanimously		

f. Affirmation of Courthouse Expansion Contract (City Manager)

Acting City Manager – this bid came in over what the court system had been able to confirm. We deducted some items from the contract and are looking for affirmation by the council.

MOVED:	Leinberger	Move to affirm the Courthouse Expansion contract
SECONDED:	Kenick	
VOTE ON MAIN MOTION		
Carried unanimously.		

Leinberger – this is not a good feeling. I do this reluctantly.

Walters – a 5% contingency is included in the contract. The timing of this project presented several problems. The foundation was changed which took a long time. There was a lot of concern that this construction project would not happen if we did not begin construction.

Dyment – the city has put up money already. We would lose the money we have already put up.

Williams – this should have come to the council at an earlier point.

X. MAYOR’S REPORT

- We are looking for a tool to evaluate the city staff attorney
- Met with Wayne Ogle, Chuck Willard and DOT’s Mike Bardon about where we are with Chief Eddie Hoffman and the lease agreement using airport property for a lift station. I took the commissioner to the port to give him an update of the facility.
- Council needs to make a determination of who is going to AML in August
- EPA meeting coming up July 17-20.
- The moving wall will be here June 30. July 1 at 1:00 will be the opening ceremony Sara Palin will not be able to be here but former Governor Tony Knowles will be here

XII. MANAGER’S REPORT

- Letter to Ed Tilbury
- RPF for Legal Services has gone out to supplement the in house legal counsel
- Site inspections are being done for flood damage at Small Boat Harbor
- Rhonda Sargent asked if the council members would be the Marshalls for the 4th of July Parade.

Kenick – We need to determine who will be on the committee for evaluation of legal services RPF and establish a time line.

Williams – Also we should have a representative from each law firm come here to address council.

COUNCIL MEMBER COMMENTS:

Trantham – Information was included in the packet from Veterans Affairs regarding the theft of information. We were notified Oscar Kilbuck passed away today. Moving Wall will arrive this week. Please say "Thank You" to the volunteers.

Dyment – Council did a very important thing earlier, addressing the public nuisance. It was a very difficult thing to do. We are part of a bigger community now.

Williams – June 30 at 6:30 am. KTUU will be here video taping. 12:00 noon the Vietnam Vets will arrive. July 1 at 1:00 will be July 5 at 11:00 will be the closing ceremony. Condolences to Aaron Nicolai's family

MOVED:	Kenick	To continue past 10:00 p.m.
SECONDED:	Leinberger	
VOTE ON MAIN MOTION unanimous		

Kenick – I would like to go along with Mr. Dyment's comments. People outside this community say, "We can do with less". Our roads are built to different standards. This is a good way to change our image. I would like to wish everyone a safe July 4th.

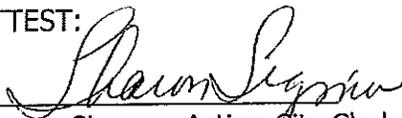
Leinberger – Remind everyone and the general public Thursday morning at—at the Cultural Center. Have a happy and safe 4th of July.

MOVED:	Kenick	To adjourn
SECONDED:	Dyment	
VOTE ON MAIN MOTION unanimous		

With no further business before the Council, the meeting adjourned at 10:08 p.m.

APPROVED THIS 11th DAY OF JULY, 2006.

ATTEST:


Sharon Sigmon, Acting City Clerk


R. Thor Williams, Mayor