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# City of Bethel City Council Meeting Minutes

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December 8, 2009

Regular Meeting

Bethel, Alaska

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## **I. CALL TO ORDER**

A Regular Meeting of the Bethel City Council was held on December 8, 2009 at 6:30p, in the Council Chambers, Bethel, Alaska.

Mayor Joseph Klejka called the meeting to order at 6:30p.

## **II. ROLL CALL**

**Present:** Council Member Allen Hippler  
Council Member Beverly Hoffman  
Mayor Joseph Klejka  
Vice-Mayor Eric Middlebrook  
Council Member Heather Pike  
Council Member Richard Robb  
Council Member Thomas Valadez

**Absent:** None

**Also Present:** City Manager Lee Foley  
City Clerk Lori Strickler

## **III. PEOPLE TO BE HEARD-**

Lee Foley-

- Encouraged the council to think carefully on establishing a location for the Alaska Territorial Guard statue, it should be accessible to everyone.

Sam Shields-

- Explained to the council the history of the statue and encouraged them to place the statue in a location for everyone to view.

Wilson Green-

- Expressed concerns on where the statue would be located, stated its importance for everyone to view, suggested the museum.

Monica Leinberger –

- Tundra Women’s Coalition grand opening is taking place and reminded the community to give to those less fortunate.

Leo Andrew –

- Encouraged the council to select a location for the Territorial Guard statute to allow everyone to view it.

Kilsoe Park –

- Asked the council to consider support for the Osaka liquor license application.

David E. Trantham Jr. –

- Read into the record a letter addressed to Mayor Klejka requesting the protest of the Osaka Restaurant.

Jody Malus –

- If one or two restaurants have liquor sales it may drastically impair other restaurants ability to stay open.

Fritz Charles –

- The Alaska Territorial Guard statue should be in a location for everyone to enjoy.
- Encouraged the council to consider the outcome of more alcohol being available in the community and the hardships it may present.

#### IV. APPROVAL OF THE AGENDA

<b>MOVED:</b>	Hoffman	Motion to approve the consent and regular agenda.
<b>SECONDED:</b>	Middlebrook	

<b>MOVED:</b>	Robb	Remove Resolution 09-52, from the consent agenda.
<b>MOVED:</b>	Hoffman	Motion to amend, to move item I, AM 09-35: Appointment of Mark Harman to the parks and Recreation Committee under New Business to item B under Special Order of Business.
<b>SECONDED:</b>	Pike	
<b>VOTE ON MOTION</b>	All in favor	
<b>MOVED:</b>	Valadez	Motion to amend, to remove item U, Reimbursement to Tom Valadez for attending Alaska Municipal League Conference, from the agenda.
<b>SECONDED:</b>	Middlebrook	
<b>VOTE ON MOTION</b>	All in favor	
<b>MOVED:</b>	Pike	Motion to amend, to table item G under New Business, Introduction of Ordinance 09-45: Establishing a Sales Tax Free Day in the City of Bethel.
<b>SECONDED:</b>	Middlebrook	
<b>VOTE ON MOTION</b>	All in favor	
<b>MOVED:</b>	Middlebrook	Pull items C, D, F, and H from the consent agenda.
<b>VOTE ON MAIN MOTION</b>	All in favor	

**V. SPECIAL ORDER OF BUSINESS**

Item A – Appreciation To Former Council Members For Their Service To The Community.

Item B - AM 09-35: Appointment Of Mark Herman To The Parks And Recreation Committee.

*Council approved the Mayor's appointment of Mark Herman to the Parks and Recreation Committee.*

**VI. APPROVAL OF THE MEETING MINUTES**

Item A - 09/22/09 Regular City Council Meeting.

<b>MOVED:</b>	Middlebrook	Motion to approve the meeting minutes from September 22, 2009.
<b>SECONDED:</b>	Hoffman	
<b>VOTE ON MAIN MOTION</b>	All in favor	

Item B - 10/13/09 Special City Council Meeting.

<b>MOVED:</b>	Hoffman	Motion to approve the meeting minutes from October 13, 2009.
<b>SECONDED:</b>	Middlebrook	
<b>VOTE ON MAIN MOTION</b>	All in favor	

Item C -11/24/09 Regular City Council Meeting.  
*Passed on the consent agenda.*

Item D - 11/30/09 Special City Council Meeting.  
*Passed on the consent agenda.*

**VII. UNFINISHED BUSINESS**

**VIII. NEW BUSINESS**

**Item A - Resolution 09-52:** Protesting The Osaka, Restaurant Eating Place License Application Number 4951 For Submission To The Alcohol Beverage Control Board.

<b>MOVED:</b>	Middlebrook	Motion to adopt Resolution 09-52.
<b>SECONDED:</b>	Hoffman	
<b>MOVED:</b>	Middlebrook	Motion to make public, the confidential e-mail from the attorney dated 12-7-09.
<b>SECONDED:</b>	Pike	
<b>VOTE ON MAIN MOTION</b>	6-1 Motion passes, Robb opposed	
<b>MOVED:</b>	Robb	Motion to amend, to strike the fifth whereas.
<b>SECONDED:</b>	Middlebrook	

<b>VOTE ON MOTION</b>	All in favor	
Council Member Valadez declared a conflict of interest of which Mayor Klejka ruled in favor.		
<b>MOVED:</b>	Pike	Motion to amend, to strike the sixth and seventh whereas statements.
<b>SECONDED:</b>	Hippler	
<b>VOTE ON MOTION</b>	All opposed	
<b>MOVED:</b>	Middlebrook	Motion to amend, to combine the two whereas at the bottom of the page.
<b>SECONDED:</b>		
<b>VOTE ON MOTION</b>	Motion ruled out of order.	
<b>MOVED:</b>	Middlebrook	Motion to amend to combine the sixth and seventh whereas.
<b>SECONDED:</b>	Pike	
<b>VOTE ON MOTION</b>	4-2 Motion passes, Hippler and Klejka opposed	
<b>MOVED:</b>	Middlebrook	Motion to table until the next regular meeting.
<b>SECONDED:</b>	Robb	
<b>VOTE ON MAIN MOTION</b>	5-1 Motion passes, Hoffman opposed	

*Council Member Valadez returned to the bench.*

**Item B - Resolution 09-53: To Adopt Mitigation Measures.**

*Passed on the consent agenda.*

**Item C – Introduction Of Ordinance 09-42: Establishing A Discounted Rate On Utility Benefit For Bethel City Council Members.**

<b>MOVED:</b>	Middlebrook	Motion to introduce Ordinance 09-42.
<b>SECONDED:</b>	Hoffman	
<b>MOVED:</b>	Pike	Motion to suspend the rules to hear from the Assistant Finance Director, Ryan Cope.
<b>SECONDED:</b>	Middlebrook	

<b>VOTE ON MAIN MOTION</b>	All in favor	
<b>MOVED:</b>	Middlebrook	Motion to suspend the rules to hear from the Finance Director, Laurie Walters.
<b>SECONDED:</b>	Hoffman	
<b>VOTE ON MAIN MOTION</b>	All in favor	
<b>MOVED:</b>	Hoffman	Motion to withdrawal Ordinance 09-42.
<b>SECONDED:</b>	Middlebrook	
<b>VOTE ON MAIN MOTION</b>	6-1 Motion passes, Klejka opposed	

**Item D - Introduction Of Ordinance 09-43:** Amending Ordinance 09-14 Exempting City Of Bethel Water, Sewer And Solid Waste Services From The Current 6% Sales Tax And Increasing The Rates/Fees Charged For City Of Bethel Water, Sewer And Solid Waste Services By A Corresponding 6%.

<b>MOVED:</b>	Middlebrook	Motion to introduce Ordinance 09-43.
<b>SECONDED:</b>	Hippler	
<b>MOVED:</b>	Middlebrook	Motion to amend, to include the rates under 1750 Gallons.
<b>SECONDED:</b>	Hippler	
<b>VOTE ON MOTION</b>	All in favor	
<b>VOTE ON MAIN MOTION</b>	All in favor	

**Item E - Introduction Of Ordinance 09-44:** Amending Section 5.08 Of The Bethel Municipal Code, Alcoholic Beverages.

*Passed on the consent agenda.*

**Item F -Introduction Of Ordinance 09-11 (E):** Budget Modification Striking The Operating Budget Of The Bethel Recycling Center.

<b>MOVED:</b>	Hippler	Motion to introduce Ordinance 09-11 (E).
<b>SECONDED:</b>	Valadez	

<b>MOVED:</b>	Hippler	Motion to amend, to strike effective within 30 days of passage and to insert June 1, 2010.
<b>SECONDED:</b>	Middlebrook	
<b>VOTE ON MOTION</b>	3-4 Motion fails, Middlebrook Valadez and Hippler in favor	
<b>VOTE ON MAIN MOTION</b>	3-4 Motion fails, Hoffman, Pike, Klejka and Robb opposed	

**Item G- Introduction Of Ordinance 09-45: Establishing A Sales Tax Free Day In The City Of Bethel.**

*Item was tabled.*

**Item H- AM 09-34: Appointment Of Harry Faulkner To The Port Commission.**

<b>MOVED:</b>	Hoffman	Motion to approve the appointment of Harry Faulkner Jr. to the Port Commission.
<b>SECONDED:</b>	Pike	
<b>MOVED:</b>	Pike	Motion to suspend the rules to hear from Jody Malus.
<b>SECONDED:</b>	Middlebrook	
<b>VOTE ON MAIN MOTION</b>	All in favor	
<b>MOVED:</b>	Hoffman	Motion to table until the next regular meeting.
<b>SECONDED:</b>	Hippler	
<b>VOTE ON MAIN MOTION</b>	4-3 Motion passes Pike, Middlebrook and Valadez opposed	

**Item J- AM 09-36: Appointment Of Jennifer Schiedler To The Finance Committee.**

*Passed on the consent agenda.*

**Item K - AM 09-37: Requested Use Of The Floating Holiday.**

<b>MOVED:</b>	Middlebrook	Motion to approve the City manager's use of the floating holiday.
<b>SECONDED:</b>	Robb	
<b>VOTE ON MAIN MOTION</b>	All in favor	

<b>MOVED:</b>	Middlebrook	Motion to take a ten minutes break.
<b>SECONDED:</b>	Robb	
<b>VOTE ON MAIN MOTION</b>	All in favor	

<b>MOVED:</b>	Hoffman	Motion to suspend the rules to move item P, to the next item on the agenda.
<b>SECONDED:</b>	Middlebrook	
<b>VOTE ON MAIN MOTION</b>	All in favor	

**Item P – Establishing A Committee To Decide The Proper Location For The Territorial Guard Statue.**

<b>MOVED:</b>	Middlebrook	Motion to allow the parties to take care of the issue themselves.
<b>SECONDED:</b>	Pike	
<b>VOTE ON MAIN MOTION</b>	2-5 Motion fails, Pike and Middlebrook in favor	

<b>MOVED:</b>	Middlebrook	Motion to suspend the rules to hear from all interested individuals in the galley.
<b>SECONDED:</b>	Pike	
<b>VOTE ON MAIN MOTION</b>	All in favor	

<b>MOVED:</b>	Hoffman	Motion to direct the City Manager to form a committee of interested parties and bring the decision back to the City Council.
<b>SECONDED:</b>	Valadez	
<b>VOTE ON MAIN MOTION</b>	2-5 Motion fails, Hoffman and Klejka in favor	

<b>MOVED:</b>	Middlebrook	Motion to amend, to include "until such time the committee makes a choice or recommendation the statue remains at the city offices."
<b>SECONDED:</b>	Hoffman	
<b>VOTE ON MOTION</b>		
5-2 Motion passes, Pike and Robb opposed		

<b>MOVED:</b>	Robb	Motion to have the statue placed in the Cultural Museum as a temporary home.
<b>SECONDED:</b>	Hippler	

<b>MOVED:</b>	Pike	Motion to amend, to insert "until the Alaska Territorial Guard Park is established."
<b>SECONDED:</b>	Middlebrook	
<b>VOTE ON MOTION</b>		
All opposed		

<b>MOVED:</b>	Middlebrook	Motion to amend, to insert "until a permanent home is established."
<b>SECONDED:</b>	Pike	

<b>VOTE ON MAIN MOTION</b>	All in favor
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**Item L-** IM 09-16: Joint Discussion Between City Administration And Union Representatives.

**Item M-** IM 09-17: Advising Council Of A Rate Change For Legal Representation Related To The Purchase Of BUC By TDX.

**Item N** – IM 09-18: Minutes From The Public Hearing Held On Senate Bill-85.

**Item O-** Update On The Sales Tax Delinquent List With The Primary Offenders Listed.

<b>MOVED:</b>	Middlebrook	Motion to suspend the rules to extend the meeting past 10:00p.
<b>SECONDED:</b>	Hoffman	
<b>VOTE ON MAIN MOTION</b>		
All in favor		

**Item Q-** Cancellation Of The December 22<sup>nd</sup> Regular Scheduled City Council Meeting.

<b>MOVED:</b>	Middlebrook	Motion to cancel the December 22 <sup>nd</sup> City Council Meeting.
<b>SECONDED:</b>	Valadez	
<b>VOTE ON MAIN MOTION</b>	3-4 Motion fails, Hippler, Middlebrook and Hoffman in favor	

**Item R-** Mayor's Appointment Of Members To City Bodies And Council's Confirmation Procedure.

<b>MOVED:</b>	Middlebrook	Motion to have the committee and commission appointment on the regular agenda rather than on the consent agenda.
<b>SECONDED:</b>	Robb	
<b>VOTE ON MAIN MOTION</b>	4-3 Motion passes, Klejka, Hippler and Hoffman opposed	

**Item S-** Review Of Charges And Duties Performed By The City Attorney.

**Item T-** Approval Of The City Council Meetings In 2010.

<b>MOVED:</b>	Middlebrook	Motion to approve the City Council Meeting dates for 2010.
<b>SECONDED:</b>	Hoffman	
<b>MOVED:</b>	Robb	Motion to amend, by inserting a December 28 <sup>th</sup> Meeting.
<b>SECONDED:</b>		
<b>VOTE ON MOTION</b>	Motion does not carry due to a lack of a second.	
<b>VOTE ON MAIN MOTION</b>	All in favor	

**Item V-** Refer To the Planning Commission Alcohol Zoning And Other Possibilities.

**Item W-** Questions From Each Council Member To Be Asked At The Alcohol Beverage Control Board Work Session Scheduled For December 9, 2009.

<b>MOVED:</b>	Middlebrook	Motion to request the Alcohol Beverage Control to provide written
<b>SECONDED:</b>	Hoffman	

		answer the questions from the council and the public.
<b>VOTE ON MAIN MOTION</b>	All in favor	

<b>MOVED:</b>	Middlebrook	Motion to suspend the rules to strike items 9, 10, 11, 12 and 13 and to table item B under Executive Session.
<b>SECONDED:</b>	Valadez	

<b>MOVED:</b>	Middlebrook	Motion to divide the question.
<b>SECONDED:</b>	Valadez	

<b>VOTE ON MAIN MOTION</b>	All in favor	
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<b>MOVED:</b>	Middlebrook	Motion to table Items 8, 9, 10, 11, 12, and 13
<b>SECONDED:</b>	Valadez	

<b>VOTE ON MAIN MOTION</b>	All in favor	
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<b>MOVED:</b>	Middlebrook	Motion to table Executive Session item 14 B.
<b>SECONDED:</b>	Valadez	

<b>VOTE ON MAIN MOTION</b>	All in favor	
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<b>VOTE ON MAIN MOTION</b>	All in favor	
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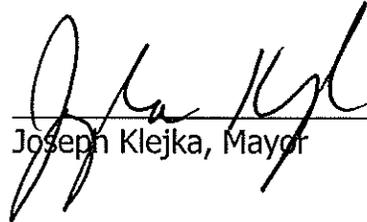
Council entered into Executive Session at 10:31p.

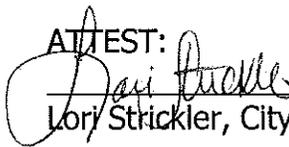
<b>MOVED:</b>	Middlebrook	Motion to go into executive session Subjects That Tend To Prejudice The Reputation And Character Of Any Person, Provided The Person May Request A Public Discussion-City Manager Annual Evaluation.
<b>SECONDED:</b>	Hoffman	
<b>VOTE ON MAIN MOTION</b>	All in favor	

Council exited Executive Session at 11:06p.

<b>MOVED:</b>	Robb	Motion to adjourn.
<b>SECONDED:</b>	Pike	
<b>VOTE ON MAIN MOTION</b>		
	All in favor	

**IX. ADJOURNMENT**

  
 \_\_\_\_\_  
 Joseph Klejka, Mayor

ATTEST:  
  
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 Lori Strickler, City Clerk