
City of Bethel, Alaska

City Council Minutes

November 17, 1998

Regular Meeting

Bethel, Alaska

CALL TO ORDER

The Regular Meeting of the Bethel City Council was held on November 17, 1998, at 6:30 p.m. in the Log Cabin, Bethel, Alaska. Mayor Agnes Phillips called the meeting to order at 6:30 p.m.

ROLL CALL

There were present:

Mayor Agnes Phillips
Joerene Hout
Dario Notti

Mike O'Brien
Karol Pobrislo
Stanley "Tundy" Rodgers

comprising a quorum of the Council.

Absent:

Antone Anvil (Excused)

Also in attendance were:

Bob Herron, City Manager
Gaye Vaughan, City Clerk

PEOPLE TO BE HEARD

Julius Pleasant, Senior Citizen Services Director, made a presentation for the application of a CDBG (Community Development Block Grant) for a garage for the senior citizen center buses. The garage is located on Ptarmigan Road across from AVCP Housing. It would house two buses and the adult day care. At a later time, it would be expanded to add a second floor.

Council member Notti stated the city has another bus barn which is not in good condition.

Council member Rodgers questioned where additional funding would come from over the \$200,000 possible from the CDBG. In reply, Mr. Pleasant said this would purchase the building outright and other funding would be sought next year.

The discussion ensued regarding exhaust vents, heating, and renovation costs of this building.

Janet Athanas, Parks and Recreation Director, stated that only one project can be funded per city per year. She pointed out that a park located at Ptarmigan and Owl meets all the requirements for the CDBG. The grant cannot be used for equipment, however, all of the equipment has been purchased.

City Manager Herron pointed out that the City Council could have a special meeting to make their decision giving them time to think about the choice.

Council member Pobrislo agreed with having a special meeting.

Council member O'Brien suggested that Mr. Pleasant and Ms. Athanas make a presentation in a special meeting in a week or more.

Mayor Phillips recommended submitting the CDBG application for the park project.

Council member Hout was also in favor of the park project.

MOVED BY:	Hout	To approve the submission of the CDBG application for the
SECONDED BY:	Rodgers	Owl Street Park project, and approve Resolution #98-32.

VOTE ON MOTION	Motion carried 5 yes, 1 no.
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ANVIL Absent	HOUT Yes	NOTTI Yes	O'BRIEN Yes
PHILLIPS Yes	RODGERS Yes	SANCHEZ-POBRISLO No	5 YES 1 NO

Mayor Phillips thanked Mr. Pleasant for his presentation and said she knew the day care facility needed to be expanded.

Major Dennis, National Guard, asked the council to approve the land transfer for the new armory.

Bev Hoffman, stated the Yukon-Kuskokwim Delta Lifesavers has been working in order to build a pool facility in Bethel in order to teach swimming and water safety. It will take a partnership to get the pool built. The Lifesavers have raised money for seven years, but need a shot from the community. The City and YKHC had been invited to participate in a community forum on November 19 at 6:30 p.m. She asked the council members to attend to show their support.

Bob Petitt, Police Chief, stated that on November 7, officers responded to a call of weapon discharge at the home of Council Member Rodgers and Mr. Rodgers had been arrested. The officers involved were wrong and he (Chief Petitt) would handle that administratively. He warned of discharging weapons within the city especially with the coming holidays. He said he was also aware of loose dogs and wild animals in town. He apologized to Mr. Rodgers for the incident.

Council member Pobrislo stated she was very concerned over this incident. She asked Mr. Rodgers to apologize for his actions especially for the use of a shotgun. She noted that Evan Ramsey had thought a shotgun would solve his problems when he shot and killed the high school principal and another student.

Council member Rodgers stated that his shotgun was loaded with rock salt that night and that there were no pellets in it. He lost three chickens that night due to the dogs. He called the police dept. five times. He advised people to not handle firearms if they did not know how to handle them.

Mayor Phillips stated that as council members they are held to a higher standard than other people and they must set a good example for the community and the children.

APPROVAL OF MINUTES

MOVED BY:	O'Brien	To approve the minutes of the regular council meeting of October 27, 1998.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion to approve the minutes carried by unanimous consent.
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APPROVAL OF AGENDA AND CONSENT AGENDA

MOVED BY:	Notti	To approve the consent agenda and agenda.
SECONDED BY:	Pobrisio	

The consent agenda consisted of the following items:

***Resolution #98-30: Regarding Adequate and Equitable Funding of Schools
(Mayor Phillips)***

***Resolution #98-31: Urging the Municipalities of Southwest Alaska to Join Citizens
for the Educational Advancement of Alaska's Children (Mayor Phillips)***

Approval of 1999 City Council Meeting Schedule

VOTE ON MOTION	Motion to approve consent agenda and agenda carried by unanimous consent.
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MAYOR'S REPORT

Mayor Phillips asked for the concurrence of the appointments of Irvin Kreider III to the Port Committee and Glenn Tarr to the Public Works Committee.

MOVED BY:	Hout	To concur with appointment of Irvin Kreider III to the Port Committee and Glenn Tarr to the Public Works Committee.
SECONDED BY:	O'Brien	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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Mayor Phillips announced the following:

- The City received a PILT payment in the amount of \$217,037.86.
- The next council meeting would be held December 15.
- She had attended the Alaska Municipal League and sessions on humor in leadership, community policing, one on one, and the local role in alcohol control.
- The Mayor had also attended a conference on child protection and was glad to see that information at AML.
- Mayor Phillips noted that at AML she had also publicly thanked Senator Stevens for his work for rural Alaska.
- She also attended a pow wow on November 6.

CITY MANAGER'S REPORT

City Manager Herron noted that department head reports were included in the council packets.

He asked Police Chief to introduce Peter Crum, the new Police Lieutenant. Peter comes from Anchorage most recently and was a former police officer in Minneapolis and was in the Marine Corps.

Mr. Herron noted the sunken barge

The City Manager stated the cemetery

City Manager Herron announced that the old fire hall

Mr. Herron noted that the city employees Christmas party would be held on December 13 at the Cultural Center. He invited all council members to attend.

He stated that the cab drivers who have been charged with bootlegging

STANDING COMMITTEES

Public Safety Commission

Council Member O'Brien stated the Commission met on November 5 and reviewed the draft alcohol control site. A mission statement will be drafted, then they will review the ordinance one section at a time.

Public Works Committee

Council member O'Brien stated there had been no meeting due to lack of quorum.

Port Commission

Council Member Rodgers also noted a lack of quorum for their November 16 meeting.

Senior Citizens' Advisory Board

Council Member Anvil was not present so no report was made.

Finance Committee

Mayor Phillips asked Mr. Herron to give the report. He stated that they had reviewed the sales tax ordinance one more time.

Planning Commission

Council Member Notti stated the Planning Commission meeting was canceled for lack of action items.

Parks & Recreation Committee

Council Member Pobrislo stated the Committee had met earlier that evening. They had reviewed the fees charged for the July 4 booths. Officers were elected. Their next meeting will be December 8.

Transportation Commission

Council Member Hout had missed the Commission meeting as she had attended the AML Newly Elected Officials conference.

OLD BUSINESS

Ordinance #98-24: Authorizing the Disposal of an Interest in Land by Land by the Granting of a Utility Easement to Bethel Utilities Corporation (City Manager/ Planning Commission)

Mayor Phillips opened the public hearing. With no one coming forth to speak, public hearing was closed.

City Manager Herron noted that this easement was necessary to provide power to the subdivision.

MOVED BY:	Rodgers	To adopt Ordinance #98-24.
SECONDED BY:	Hout	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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ANVIL Absent	HOUT Yes	NOTTI Yes	O'BRIEN Yes
PHILLIPS Yes	RODGERS Yes	SANCHEZ-POBRISLO Yes	6 YES 0 NO

Ordinance #98-25: Authorizing the Disposal of Lot 15, US Survey 4117 to the State of Alaska, Department of Natural Resources for a New Alaska National Guard Readiness Center and Memorial Park (City Manager/Planning Commission)

Mayor Phillips called for public testimony.

Bev Hoffman, voiced her support for Ordinance #98-25 and stated this armory will also provide another gym for the community's use. She thought a part of this parcel could be dedicated for a pool.

With no one else coming forward to speak, public hearing was closed.

City Manager Herron asked that the sixth whereas be changed to add the word "recreational" between gymnasium and facility. He felt the word recreational was broad enough to include a pool but not jeopardize the efforts of the guard to build this facility. He noted that the city's lobbyist would be talking to Senator Stevens about this project.

MOVED BY:	O'Brien	To adopt Ordinance #98-25 with the word "recreational" added.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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ANVIL Absent	HOUT Yes	NOTTI Yes	O'BRIEN Yes
PHILLIPS Yes	RODGERS Yes	SANCHEZ-POBRISLO Yes	6 YES 0 NO

Ordinance #98-26: Amending BMC 13.08.160 (B), Requiring All Sewage Holding Tanks To Be Equipped With A Camlock And Changing Effective Dates (City Manager)

Mayor Phillips opened and closed public hearing with no one stepping forward to speak.

City Manager Herron stated that this ordinance amends previously adopted Ordinance #98-18 was too aggressive. He brought forth this amendment in order to have the time to educate the community. This ordinance moved the deadline forward. The city will send out notices explaining why this is needed.

MOVED BY:	Rodgers	To adopt Ordinance #98-26.
SECONDED BY:	O'Brien	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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ANVIL Absent	HOUT Yes	NOTTI Yes	O'BRIEN Yes
PHILLIPS Yes	RODGERS Yes	SANCHEZ-POBRISLO Yes	6 YES 0 NO

Ordinance #98-27: Repealing, Revising and Readopting the Sales Tax Code; Modifying Exemptions and the Collection and Enforcement Procedures; Clarifying Appeal Procedures; Providing Incentives for Prompt Reporting and Payment of Sales Taxes Collected; and Making Other Changes (City Manager)

Mayor Phillips opened the floor to public testimony.

Bev Hoffman of the Kuskokwim 300 Committee, stated she and her husband sell dog food for the K-300 out of a container van to the public. She said she would be more willing to support the ordinance if the city donated to the K-300, Camai Festival, etc., like it used to.

Stuart Robinson, City Finance Director, said all non-profits that sell products should be collecting and remitting sales tax on those products.

With no further testimony to be given, public hearing was closed.

MOVED BY:	O'Brien	To adopt Ordinance #98-27.
SECONDED BY:	Rodgers	

City Manager Herron noted that many months of work is involved in this ordinance. He added that the taxes on sales do go back to the people of this community.

Mayor Phillips pointed out that the city is getting bigger and bigger and the city's operating expenses are exceeding current revenues.

Council member Notti asked if contractors under 638 tribal entities should be included in Sec. 4.16.040(F), to which Mr. Herron responded that this section was meant to make government employees pay tax on their hotel rooms when paying out-of-pocket.

MOVED BY:	Notti	To amend Ordinance #98-27, Sec. 4.16.040(F) to include 638 contractors to amendment #3.
SECONDED BY:	Hout	

VOTE ON MOTION Motion to amend failed.

ANVIL Absent	HOUT Yes	NOTTI Yes	O'BRIEN No
PHILLIPS No	RODGERS No	SANCHEZ-POBRISLO No	2 YES 4 NO

MOVED BY:	O'Brien	To amend Ordinance #98-27, by including the 3 amendments as written.
SECONDED BY:	Rodgers	

VOTE ON MOTION Motion to amend carried, 4 yes, 2 no.

ANVIL Absent	HOUT No	NOTTI No	O'BRIEN Yes
PHILLIPS Yes	RODGERS Yes	SANCHEZ-POBRISLO Yes	4 YES 2 NO

VOTE ON MOTION Motion to adopt as amended carried, 4 yes, 2 no.

ANVIL Absent	HOUT No	NOTTI No	O'BRIEN Yes
PHILLIPS Yes	RODGERS Yes	SANCHEZ-POBRISLO Yes	4 YES 2 NO

The Mayor thanked Mr. Herron and Mr. Robinson for their work on this ordinance. She noted that tough decisions have to be made as the city departments are busting at the seams. New subdivisions will require additional services which increase the operating budget.

Ordinance #98-28: Amending Chapter 3.029, Classification Plan, Seasonal Port Attendant (City Manager)

The Mayor called for public testimony. There being none, public hearing was closed.

City Manager Herron stated the Port Director, Howard Elliott, was hired for the summer season only and he has indicated he would like to return next season. A port attendant is needed for the winter to oversee the port and do other tasks.

In response to questions, Mr. Herron stated this port attendant would only work 30 hours per week and money would be saved by not having a year-round Port Director.

MOVED BY:	O'Brien	To adopt Ordinance #98-28.
SECONDED BY:	Rodgers	

VOTE ON MOTION Motion carried by unanimous voice vote.

ANVIL Absent	HOUT Yes	NOTTI Yes	O'BRIEN Yes
PHILLIPS Yes	RODGERS Yes	SANCHEZ-POBRISLO Yes	6 YES 0 NO

Ordinance #98-29: Revising the City of Bethel Business Licensing Code Establishing Biennial Licensing, Revising Fees, Charges And Penalties And Making Other Changes (City Manager)

The Mayor called for public testimony. There being none, public hearing was closed.

City Manager Herron pointed out the changes in this rewrite of the business license code. Business licenses would be on a biannual basis with a fee increase. This also changes the sales tax submitted on rippies.

MOVED BY:	O'Brien	To adopt Ordinance #98-29.
SECONDED BY:	Pobrislo	

VOTE ON MOTION	Motion carried by a vote of 4 yes, 2 no.
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ANVIL Absent	HOUT No	NOTTI No	O'BRIEN Yes
PHILLIPS Yes	RODGERS Yes	SANCHEZ-POBRISLO Yes	4 YES 2 NO

NEW BUSINESS

Resolution #98-31: Urging the Municipalities of Southwest Alaska to Join Citizens for the Educational Advancement of Alaska's Children (Mayor Phillips)

Council member Pobrislo asked if the school district was a part of this organization, to which City Manager Herron stated that LKSD pays \$25,000 to belong. He also noted that LKSD is the largest member district.

MOVED BY:	Pobrislo	To adopt Resolution #98-31.
SECONDED BY:	O'Brien	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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COUNCIL MEMBER COMMENTS

Council member Hout stated she was concerned that changes need to be looked at how it will effect the community. She would like the Council to give a little more thought and consideration to the impact their actions have.

Council member Pobrislo wished Antone a happy birthday on November 25. She had attended a Veteran's Day program at the high school which was very nice. She agreed with the Mayor that tough decisions have to be made regarding city revenues. She further noted that she would work hard to make the pool possible.

Council member Notti did not believe that anyone could speak poorly about the republican led legislature and possibly taxing tribal entities who deserve exempt status. He noted that Dillingham has raised the price of a rippie to \$1.05. That action has driven away customers which has cost the city and the non-profit organizations a lot of money. He stated he was happy with the 3.75% tax the City of Bethel placed on rippies. He felt the extra 1.25% would cost the city money.

Mayor Phillips stated she appreciated the pow wow event. She also appreciated the fiddle dance and sober people setting good examples for families.

Council member Rodgers thanked those people who called him regarding his recent arrest for peppering chicken-killing dogs with rock salt. He hoped the actions of that night had nothing to do with his outspokenness. He said he would continue to speak out when the police do something wrong and noted that we do have good police officers. He complimented Chief Pettit for his honesty and truthfulness.

Council member O'Brien noted the responsibility of sitting in the council members' chairs. Sometimes the council do things they may personally agree with, but that they temper them with what is best for the community. He noted that the current sales tax ordinance was full of holes. There are organizations which are, legally, tax exempt. As said several times this evening, this town is growing and it is the city's responsibility to provide the best services possible.

Mr. O'Brien cautioned that people need to stay off the river as it is not completely frozen yet. He said they did not need to be fishing people out of the water.

MOVED BY:	O'Brien	To recess into executive session to discuss the City Manager's evaluation and personnel issues.
SECONDED BY:	Notti	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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The regular meeting was reconvened at 9:30 p.m.

MOVED BY:	Rodgers	To increase the City Manager's salary to \$70,000 per year effective November 4.
SECONDED BY:	O'Brien	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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MOVED BY:	O'Brien	To adjourn the meeting.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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With no further business to come before the City Council, the meeting was adjourned at 9:32 p.m.

Agnes L. Phillips, City Mayor

ATTEST:

Gaye J. Vaughan, City Clerk