

- CALL TO ORDER** Mayor Feaster called the regular Council meeting to order at 7:35 PM.
- ROLL CALL** Present: Feaster, Vanasse, Wallace, Warner (tardy), Wintersteen
- APPROVAL/MINUTES** M/M by Vanasse, 2nd by Wallace to approve the minutes of the March 10, 1992, regular Council meeting as presented. Voice vote. Motion carried unanimously.
- motion** M/M by Wintersteen, 2nd by Wallace to approve the minutes of the March 12, 1992, Special Session of the City Council as presented. Voice vote. Motion carried unanimously.
- APPROVAL/AGENDA** M/M by Vanasse, 2nd by Wintersteen to amend the agenda by adding Item B, AIDEA vs. City of Bethel under Old Business and Item C, Resolution #703 under New Business. Voice vote. Motion carried unanimously.
- MAYOR'S REPORT** Mayor Feaster referred Council to his written report.
- motion** M/M by Vanasse, 2nd by Wintersteen to ratify Mayor Feaster's reappointment of Bill Adams to the Planning Commission for a 3-year term, to expire 12/31/94. Voice vote. Motion carried unanimously.
- The appointment of Brian Glasheen to the Public Works Committee was tabled until determination of the residency requirement was made.
- MANAGER'S REPORT** City Manager Hohman reviewed his written Manager's Report with Council on the following items:
- Result of discussions in Juneau on the School of Excellence and efforts to support the selection of Bethel as a site for that construction; emphasized that the situation is very competitive at this time.
 - Revenue projections and shortfall projections that impact CIP projects.
 - Received a proposal for services as Insurance Consultant for the City from Richard Block. Estimated cost for 12-15 hours of consulting work will be approximately \$2,700.
 - Land transfer for sewage lagoon site.
 - Upgrade of the pump house for the purpose of

maintaining maximum water production for fire fighting efforts; the upgrade will reduce the ISO rating which will effect a 20% reduction in insurance costs for residential and commercial establishments in the City.

--Mandate from the State Fire Marshall for adding skirting/fencing around the perimeter of the PATC building; cost is approximately \$9,600; working with YKHC to include the cost as part of the contractual grant negotiations with the State.

--Brown vs City of Bethel settlement.

City Manager Hohman next referred Council to additional handouts not included in his Manager's Report:

--Lobbyist, Rick Urion's letter which discusses the School of Excellence and recommendation that Council take action in support of the possible purchase by the City of Bethel Utilities.

Council discussed the issue of support for the purchase of Bethel Utilities Corporation. Council directed Administration provide a letter or resolution addressed to the Governor at the April 14, 1992, Council meeting for signature by council members. The document will indicate Council's interest in pursuing the purchase of Bethel Utilities.

--Bethel Fuel Sales Lease Proposal from Warren Hulbert for property adjacent to the Bethel petro port for equipment storage; requests five year lease with option to renew. Council directed Administration to put the issue on the Planning Commission agenda for review.

--William Biven requests a Letter of Connection from the City signed by the City Manager or Public Works director which would state that the City of Bethel was prepared to provide City water and sewer service to Lots 5, 5B and 5C; lot 5C has been deeded over to the City by BNC. Council directed City Manager Hohman to prepare the Letter of Connection Assurance requested by Mr. Bivin.

--Carl Stormer of US Army Corps of Engineers will be in Bethel on March 25, 1992 to discuss the design concept for the Bethel Seawall/Bank Stabilization Project; meeting has been tentatively scheduled for 11:00 AM; public is invited.

--A memo from librarian, Teddy Wintersteen, states that materials collected to prepare the Bethel

Centennial book will be held in the library until they can be transferred to the new Cultural Arts Center.

--Letter from Brooks Chandler regarding attorney-client privilege in the Ray Stock case.

--Memo from Personnel Technician, Dennis O'Neil, regarding a request to fill the Youth Services Program Specialist position which was approved at the six-month budget review. Council did not object to the request.

--List of Capital Projects being considered by the legislature shows three Bethel projects to be in the top 17: Kilbuck Wastewater Pumping Station (10); City Subdivision Wastewater Pumping Station (11) and Bethel Heights Piped Sewer and Water Extension (12).

--City Manager Hohman advised Council that he planned to attend a Local Emergency Planning Committee seminar in Anchorage scheduled for March 26 & 27, 1992. Travel expenses are born by the Department of Environmental Conservation.

Regarding requests from the Governor's Office and the Alaska Municipal League to support the Governor's veto of SB 16, it was decided that council members should be allowed to indicate support on an individual basis.

**COUNCIL MEMBER
COMMENTS**

Councilman Vanasse thanked Teddy Wintersteen for providing Council with the FY 91 report on the City grant to KuC for library services.

Councilman Vanasse also asked for a status report on the Tidelands Lease Survey. Planning Director, Jerry White, stated that progress was being made and that he, too, needed a Letter of Connection Assurance.

**REPORTS OF STANDING
COMMITTEES**

Mayor Feaster reported that the Finance Committee met March 19, 1992, but failed to make a quorum. Discussion was held on the bingo and pull tabs issue with citizens who were in attendance; without a quorum no action was taken.

Planning Commission met on March 12, 1992. The partial vacation of right away behind Swanson's store was resolved. The next meeting of the Planning Commission is scheduled for April 9, 1992.

Councilman Warner reported that the Public Works Committee meeting for March 17 was canceled because of lack of a quorum.

Councilman Wintersteen reported that the meeting of the Port Commission is scheduled for March 20, 1992.

PEOPLE TO BE HEARD Daniel Slaughter advised Council that on the afternoon of March 5, 1992, the roads in Tundra Ridge had not been plowed for close to 24 hours leaving sections of the roads impassable. This situation isolated the people who lived on the fourth road from emergency vehicles. He further stated that it was the City's responsibility to maintain the roads to the degree that emergency vehicles are able to reach people in their homes when the situation warrants. Mr. Slaughter further advised Council that he and a number of concerned citizens had met with the road and maintenance crew and city administration to discuss the problems and possible solutions. Mayor Feaster suggested that Mr. Slaughter place the issue on the City Council agenda for further discussion.

Dominic Malaj advised Council that he had appealed to the Transportation Commission for reinstatement of his chauffeur's license privileges which had been revoked by the Transportation Inspector, Police Chief Liu, as required by Bethel Municipal Code 5.20.110(F). The Transportation Commission upheld the decision of Police Chief Liu. Under a separate provision of the ordinance a person has the right to appeal the decision of the Transportation Commission to the City Council. Appealing that decision, Mr. Malaj told Council that he felt the revocation of his chauffeur's license privileges was a case of being guilty until proven innocent and, additionally, the ordinance was unfair and did not comply with the U.S. Constitution. A lengthy discussion concerning the legitimacy of the ordinance ensued. Councilman Warner stated that the ordinance needed revision and would prepare an amendment to the ordinance for introduction to the Council.

motion

M/M by Warner, 2nd by Wallace that the City Council reverse the decision of the Transportation Commission in the appeal of Dominic Malaj and grant a conditional chauffeur's license to Mr. Malaj pending a decision from the court. Poll vote. Motion failed. 3-yes, 2-no (Feaster, Vanasse).

Council broke at 9:35 PM for a short recess. At 9:45 PM, Mayor Feaster called the meeting back to order.

OLD BUSINESS:

Item A: Public
Hearing-Amend.
#2, Ord. #191

**PUBLIC HEARING: AMENDMENT #2 TO ORDINANCE #191
VEHICLE FOR HIRE**

Following a brief explanation of Amendment #2 to Ordinance #191, which proposes: 1) to set minimum and maximum rates for permitted transportation by the Transportation Commission with City Council confirmation, and 2) to allow the Commission with Council confirmation to limit the number of vehicle permits issued, Mayor Feaster opened the public hearing for public comment.

Harry Faulkner, Sr., Bethel Taxi, pointed out to the Council that the last raise in fares for taxicabs was in 1974. Since that time, the price of vehicles, the price of labor, the price of gasoline and the cost of living have increased. When cab fares are cut, drivers work for less than minimum wage. In addition, current rates do not provide sufficient income to maintain the vehicles. Mr. Faulkner also discussed the proposed increase in rates scale and single charter fares.

Morgan Wilcox, Delta Cab, stated that he did not feel there should be more than 10 permits per cab company because of the number of cab companies in business in Bethel.

Lee Adari, Y/K Cab, advised Council that cab companies no longer follow regulations set by the ordinance and stated that the City should limit the number of permits a company could hold and regulate the fares which would put an end to the price wars.

Dominic Malaj stated that the City should not allow drivers to work more than 12 hours in one shift.

Hugh Short, Alaska Cab, informed Council that because of the existing price war, most of the companies would be bankrupt in a short time.

John Watts stated that he felt something needed to be done to assist cab companies in trying to stabilize their business income. He pointed out that the general public is benefitting from the current practices of the companies.

Sara Brink, taxi driver, stated that Alaska Cab and Kusko Cab have more vehicles on the road than other companies; therefore, they don't lose as much business as other companies. The smaller cab companies, therefore, found it necessary to cut

prices in order to attract customers.

Harold Kehoe, taxi driver, stated that the fares have been the same for many years and price wars were not good for the public because the public does not receive quality service and the cab companies cannot compete with each other. Insurance costs have increased from \$500 to \$2500 per car per year and gasoline prices from \$0.79 to \$1.89 per gallon. Mr. Kehoe did not advocate regulating prices but believed that supply and demand would keep prices at an equitable rate. In addition, those companies that provided the best service would get their share of the market.

Mayor Feaster closed the hearing to the public. Council discussed the issues at hand. Councilman Wallace suggested that the public hearing be postponed until all members of the Council could be present.

motion

M/M by Wallace, 2nd by Wintersteen to continue the hearing and put it on the agenda for the next meeting. Voice vote. Motion failed. 3-yes; 2-no (Feaster, Warner).

Further discussion was held. It was pointed out that in October, 1988, an initiative petition was passed which eliminated the authority of the Bethel City Council to: 1) limit the number of cab, limousine and bus permits, and 2) regulate the minimum fare that may be charged by any taxi cab, limousine or bus. Instead the City Council could only regulate the maximum fare for taxi cabs, limousines and buses. The method the Council chose to regulate the maximum fares at that time was to delegate the authority to the Transportation Commission. It was further pointed out that if the proposed amendment to the ordinance passed the October 1988 mandate of the voters would essentially be voided.

motion

M/M by Warner, 2nd by Vanasse to approve Amendment #2 to Ordinance #191, Vehicle for Hire Ordinance, as presented. Poll vote. Motion failed. 5-no (Feaster, Vanasse, Wallace, Warner, Wintersteen).

Regarding setting rates for a charter-cab system and for raising maximum rates, Council recommended that cab companies present their proposals to the Transportation Commission.

**Item B: Aidea
vs. City of
Bethel**

AIDEA VS. CITY OF BETHEL

City Manager Hohman informed Council that he had received a letter and two documents from City Attorney, Brooks Chandler, for Council consideration. These documents reflect the terms that were discussed with AIDEA for the resolution of the AIDEA vs. City of Bethel lawsuit, specifically: 1) the purchase of the Deed of Trust that AIDEA had with the Browns for \$77,000; 2) the agreement to finance \$77,000 over a ten year period with monthly installments of \$971.60 beginning October 1, 1992; and 3) the City buys out the AIDEA interest in the building and AIDEA's right to rent the property from the City under the same terms and conditions as the Browns had with the City. Mr. Chandler states that all the terms and the agreements that had been sought are embodied in the two documents.

Mayor Feaster recommended that during the FY 93 budget meetings Council consider applying the settlement monies received from the Browns to the \$77,000 leaving a small amount owed on the Deed of Trust. Council concurred that the application of settlement monies be reviewed at the upcoming budget meetings.

motion

M/M by Wintersteen, 2nd by Warner to enter into the two settlement agreements: 1) Confession of Judgment After Action, and 2) Conditional Agreement Not to Execute as outlined in the letter of March 23, 1992, from Brooks Chandler with the condition that the agreements not contain a prepayment penalty (a copy of that letter is attached as part of these official minutes). Poll vote. Motion carried unanimously.

NEW BUSINESS:

**Item A: Vehicle
Lease Purchase**

VEHICLE LEASE PURCHASE AGREEMENT

A brief discussion was held concerning the purchase of vehicles and the lease purchase agreement.

motion

M/M by Warner, 2nd by Wallace to table the matter until the April 14, 1992, Council meeting. Further, that Administration provide additional information and justification for the proposed purchase of the nine vehicles to include the type of vehicles requested and what departments would receive the vehicles. Voice vote. Motion carried unanimously.

Mayor Feaster requested that Administration also provide the projected needs for water/sewer vehicles at the April 14, 1992 meeting.

Item B: Intro.
Amend. #2 to
Ord. #177

INTRODUCTION OF AMENDMENT #2 TO ORDINANCE #177--
ANIMAL CONTROL ORDINANCE

M/M by Warner, 2nd by Wallace to introduce Amendment #2 to Ordinance #177 for public hearing at the April 14, 1992, regular Council meeting. Voice vote. Motion carried unanimously.

Item C: Res.
#703

RESOLUTION #703--CONVEYANCE OF LAND BY BNC FOR
SEWER LAGOON

City Manager Hohman advised Council that William Biven of the Bethel Native Corporation requested the City to formalize its request for assistance from BNC to convey the needed land for the improvement of the sewer lagoon under the provisions of 14(c)(3) of the Alaska Native Land Claims Settlement Act.

motion

M/M by Warner, 2nd by Vanasse to adopt Resolution #703 as presented. Voice vote. Motion carried unanimously.

motion

M/M by Vanasse, 2nd by Wallace to adjourn the meeting at 11:00 PM. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 14th DAY OF April, 1992.

James H. Feaster III
James H. Feaster III, Mayor

ATTEST:

Jane Elam
Jane Elam, City Clerk