
City of Bethel, Alaska

City Council Minutes

February 12, 2002

Regular Meeting

Bethel, Alaska

CALL TO ORDER

A regular meeting of the Bethel City Council was held on February 12, 2002, at 6:30 p.m. in the Council chambers, Bethel, Alaska.

Mayor Rodgers called the meeting to order at 6:34 p.m.

ROLL CALL

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

Jerry Drake	Stanley "Tundy" Rodgers
Carl Berger	Dario Notti
Hugh Short, Jr.	Mary Pavil

Also in attendance were the following:

Robert Herron, City Manager
Colleen Soberay, City Clerk

PEOPLE TO BE HEARD

Mayor Rodgers said Janet Athanas, Parks and Recreation Director, was scheduled to speak to Council in regard to support for the shooting range project. Council member Drake said he supports the project and agrees Council should provide a letter of support to the NRA Foundation. Mayor Rodgers said shooting programs that teach gun safety are very important to the community, especially for the safety of children. Council members commented that this shooting range would provide for a safe place to shoot. Council concurred to allow the Mayor to sign a letter of support to the NRA Foundation.

Willy Keppel, Bethel resident, read a letter in regard to City attorney fees and asked that it be included in the official minutes for the record:

"I believe in the area of legal expenses. The City is spending far above its financial means. It's time for the City to immediately try a different approach. The numbers in dollars are from the City's Audit books..."

Fiscal Year	Budget	Actual	Deficit Overrun
July '98 – June '99	\$263,000	\$292,334	\$29,334
July '99 – June '00	\$170,000	\$313,562	\$143,562
July '00 – June '01	\$260,840	\$304,923	\$44,083
	\$693,840	\$910,819	\$72,326.33 average

...When Barrow, with all of their financial resources, starts searching for an in-house attorney, a financially strapped city like Bethel should have the good sense to follow suit. We will save well over \$100,000 a year. The money paid out will circulate around

Bethel, instead of straight to Anchorage. In the majority of instances the City can receive legal counsel upon request. AVCP and YKHC have their own in-house counsels. It's time to invite Ms. Cutler and all lawyers to fill out and submit an application for full-time employment with the City of Bethel."

APPROVAL OF MINUTES

MOVED BY:	Drake	To approve the minutes of the January 22, 2002 regular meeting
SECONDED BY:	Berger	

**Correction noted by city clerk.*

VOTE ON MOTION	Motion carried by unanimous voice vote.
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APPROVAL OF AGENDA

MOVED BY:	Drake	To approve the regular agenda and consent agenda after removing new business item D: Ord. 02-08 and E: Ord. 02-06 from the consent agenda
SECONDED BY:	Pavil	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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MAYOR'S REPORT

The Mayor's Report included the following:

- Letter from Napakiak Ircinraq Power Company — *Re:* Requesting sales tax exemption on power purchased from BUC in an effort to reduce power cost for the people of Napakiak— Council directed that the city manager ask Napakiak Ircinraq Power Company to fill out an exemption form. Council supported exempting Napakiak Ircinraq Power Company for the benefit of the people of Napakiak village.
- Governor's Talking Points for the week of January 28 and February 4, 2002
- Letter from Alaska Energy Authority — *Re:* Power Cost Equalization Program
- Letter from AML — *Re:* Accomplishments and priorities of AML
- Office of the Governor — Nominations requested for community volunteer: deadline March 25, 2002
- Alaska State Legislature — Press Release: *Bills on the Move* and bill summaries

MANAGEMENT TEAM'S REPORT

City Manager Herron noted the management reports included in Council packets and reviewed the following items with Council.

- Water color in Bethel Heights—Flushing schedule continues. Water samples were taken February 7 for Council review. Over the weekend of February 9, the Utilities Maintenance crew performed a filter-charging procedure. Water samples taken Febraury 11, after the procedure, have also been provided to Council for review.
- EPA Approval—City has received approval to implement the City's October 26, 2001 closure plan for the 20,000-gallon oil tank at the Public Works shop.
- Bethel Airport Master Plan—DOTPF seeks comments on their Environmental Assessment of the Plan.

REPORTS OF STANDING COMMITTEES

Senior Advisory Board

Council member Berger said the SAB met in mid-January and the next meeting is scheduled for February 22.

Parks and Recreation Committee

Council member Short said the committee has not met since the last Council meeting, but is scheduled to meet February 20.

Planning Commission

Council member Notti said the next commission meeting is scheduled for February 14 at 6:30 p.m.

Port Commission

Mayor Rodgers said the commission met January 28 and reviewed the minutes from that meeting. Mayor Rodgers asked the status of Howard Elliot, Port Director. City manager Herron said that Mr. Elliot's cancer is in remission and he plans on returning to work as Port Director in May.

Public Works Committee

Council member Drake said the committee has not met since the last Council meeting, but said CH2M HILL presented a 65 percent completed feasibility study. Mr. Drake highlighted areas of the study such as capital costs and incineration. Mr. Drake recommended Council and the public pick up a copy of the feasibility study for review.

Public Safety and Transportation Commission

Council member Pavil was unable to attend the last commission meeting because she was out of town.

Finance Committee

Council member Sanchez-Pobrislo was not present.

UNFINISHED BUSINESS

Item A — Discussion: Resolution 01-29 determining a Regional Public Safety and Police Facility as a community priority

Mayor Rodgers explained this resolution has been brought back to Council for discussion because a petition is circulating to repeal resolution 01-29. Mayor Rodgers said streets/roads, water/sewer has always been the City's top priorities and he does not support resolution 01-29. He also suggested Council participate in a special meeting to reprioritize the City projects and goals.

Council member Drake said the City's top priorities are streets/roads and water/sewer, but not to the exclusion of anything else that the City could work on. He said by determining this public safety project as a priority, the Council is not making streets/roads and water/sewer any less of a priority. Council member Drake further explained the projects do not compete for funds. He explained the City continues to work with DOT on road issues and continues to work with Village Safe Water (VSW) on water and sewer improvements. Council member Drake said all of Council looked at the post office annex and agreed it was not good for a new police facility. He reiterated the City has many priorities, but the City needs to work on all priorities. Council member Drake also said resolution 01-29 does not commit the City to anything, as everything is conceptual at this point.

Council member Berger said resolution 01-29 states this project is a priority, but it is not the only priority. Council member Berger explained several council members went to Juneau recently to lobby on behalf of the community and they discussed the community's priorities in regard to streets/roads and water/sewer. Council member Berger also said the police department takes up almost half of the City budget. He explained the police building is in poor condition and it needs to be addressed.

Mayor Rodgers asked if the post office annex had been sold. Manager Herron said he would find out the status of the annex and report back to Council.

Council member Drake reiterated that Council had agreed the post office annex was not adequate for the purposes of a police facility and that it would have cost \$80,000 just to consider making the purchase. He said if the City would have to completely remodel the annex, the City might as well construct a new building. Council member Drake explained the condition of the annex.

Council member Short said Bethel has the busiest police department in rural Alaska. He explained the current building does not meet OSHA requirements, the building causes morale problems and forces officers to work in a tight space. Council member Short said it's obvious the City needs a new police station. He reiterated resolution 01-29 supports administration efforts to research funds and Council needs to support seeking grant monies. He said he supports resolution 01-29 as it is written.

City manager Herron said resolution 01-29 does not indicate a dollar amount or commit even a dollar to the project. He explained the ways in which the City would have to secure money for this project and that grants would be a part of that. Manager Herron reiterated that this is only one priority of the City and is not the top priority. He explained the City has not spent one dollar on this project to-date other than an employee's time. Council member Drake reiterated this is not a binding document. Discussion briefly ensued.

Item B — Public Hearing: Ordinance #01-49: FY02 Mid-year budget modifications

Mayor Rodgers opened the public hearing. With no one to speak to this ordinance, Mayor Rodgers closed the public hearing.

MOVED BY:	Drake	To adopt ordinance #01-49
SECONDED BY:	Pavil	

Council member Drake said Council had a drop-dead budget last year that did not account for growth and the vast majority of these budget modifications reflect that with the exception of a couple of items. He explained the justifications for the police department modifications such as request for additional vehicles and DMV relocation.

Council member Berger said the building renovation money requested shows that it is only a piecemeal approach until a new building is ready and said the City will continue to have to piecemeal the current police building. He also said relocating the DMV to the police building will allow for more efficiency.

Council member Short said this police building renovation would make the Bethel DMV office more productive. Discussion briefly ensued.

VOTE ON MOTION	Motion carried by roll-call vote 6-0
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Item C — Public Hearing — Ordinance 02-05: Providing for a records management system including procedures for maintenance, retention and disposal

Mayor Rodgers opened the public hearing. With no one to speak to this ordinance, Mayor Rodgers closed the public hearing.

MOVED BY:	Drake	To adopt ordinance #02-05
SECONDED BY:	Pavil	

VOTE ON MOTION	Motion carried by roll-call vote 6-0
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Item D — Public Hearing — Ordinance #02-03: Exempting the Bethel Recycling Center’s consulting agreement with Bill Hauser, Inc., from the provisions of Chapter 4.20 of the BMC

Mayor Rodgers opened the public hearing. With no one to speak to this ordinance, Mayor Rodgers closed the public hearing.

MOVED BY:	Drake	To adopt ordinance #02-03
SECONDED BY:	Berger	

VOTE ON MOTION	Motion carried by roll-call vote 6-0
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NEW BUSINESS

Item A — Resolution #02-04: In support of the concept of expanding State operated prisons within Alaska municipalities

Mayor Rodgers read Resolution #02-04.

Council member Notti stated his support for resolution 02-04 and explained hard costs and soft costs associated with correctional facilities. He said this type of business provides good jobs for the community.

Council member Short stated his support for this concept and said the projections indicate Bethel’s jail would double in capacity—which, he said, would create about 36 jobs. Council member Short said this is a win-win situation for the community. He also said the City of Whittier is seeking a private prison, which competes with the concept in resolution 02-04. Council member Short said the State would not do both. He said the public expansion of jails has great benefits to Bethel, as oppose to the Whittier plan for a private prison.

Council member Berger said he supports resolution 02-04, but is concerned about the growth of prisons. He asked why it is necessary to lock up so many, but said it would be good to bring the 800 prisoners in Arizona back to Alaska.

MOVED BY:	Drake	To adopt Resolution #02-04
SECONDED BY:	Notti	

VOTE ON MOTION	Motion carried by unanimous voice vote 6-0
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Item B — Discussion — DOT’s MOA re: Tundra Ridge Road

City manager Herron explained the DOT has submitted the Memorandum of Agreement (MOA) for Tundra Ridge Road to the City. City Manager Herron said Administration has several concerns and asked that Council direct Administration to return to DOT a redlined draft document. He further explained Administration’s concerns are for the protection of the City.

Council member Drake asked if the City has entered into agreements like this in the past. City manager Herron replied that the City has redlined previous MOAs, as well. City manager Herron reviewed his concerns regarding the MOA with Council.

Council member Notti said he understands Administration may have concerns. He said Administration should, however, not be too aggressive so that the STIP program for Bethel remains intact, as it is not finalized yet. Discussion briefly ensued.

Council directed Administration to return a redlined draft MOA to DOT in the best interest of the City.

Item C — Introduction — Ordinance #02-07: Amending sections of Chapter 5.20 of the BMC related to the general provisions of business licenses and regulations and Chapter 5.40 of the BMC related to chauffeurs

Ordinance #02-07 was introduced and set for public hearing February 26 under the consent agenda.

Item D — Introduction — Ordinance #02-08: Amending sections of the BMC regarding the filling of vacancies for city council seats, council meeting times and other procedures

MOVED BY:	Drake	To introduce ordinance #02-08 and set public hearing for February 26, 2002
SECONDED BY:	Pavil	

Council member Drake explained this ordinance is a matter of house cleaning in regard to council procedures.

VOTE ON MOTION	Motion carried by unanimous voice vote
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Item E — Introduction — Ordinance #02-06: Amending Title 9 of the BMC by enacting a civil nuisance abatement program

City manager Herron explained this ordinance is the result of an earlier discussion by Council, as requested by members of the public who reside by transient lodging businesses. City manager Herron said he hopes for good public discussion on this ordinance.

MOVED BY:	Drake	To introduce ordinance #02-06 and set a public hearing for February 26, 2002
SECONDED BY:	Pavil	

Council member Drake explained Council had directed the city attorney to draft this ordinance in hopes that the City can take care of the problems brought to their attention in regard to transient lodging.

Council member Notti said he is concerned a future council may take this ordinance to the extreme and possibly it would be enforced by overzealous employees.

Council member Drake said the public hearings will flush out issues that Council member Notti raised. Council member Drake highlighted the areas of the ordinance in regard to Council member Notti's concerns.

Manager Herron recommended Council hold at least two public hearings.

M/M by Drake: to set two public hearings—Feb. 26 and Mar. 12, 2002.

2nd by Notti

Vote: Motion carried by unanimous voice vote

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

Council Member Berger said the lobby group that went to Juneau had 23 appointments, many with Finance Committee members. He said his impression was that the priorities that Bethel established in the capital budget looked solid for the meantime, but said Council should maintain diligence. He said the legislators have a lot ahead of them in regard to the fiscal gap. Council member Berger said the City should keep an eye on Bethel's needs to make sure they'll be maintained. He also said he has been encouraging organizations, who have never been to the Delta, to hold conferences here. He continued that the Denali Commission's next meeting in late April would be in Bethel, as well as the Alaska Rural Development Council's next meeting. He said it's good for the City to encourage organizations to conduct meetings or conferences in Bethel, as it's good for the community and the local economy.

Council Member Sanchez-Pobrislo—*not present.*

Council Member Drake said the road is open all the way to Tuluksak. He also gave a brief report on Council's recent trip to Juneau to lobby. Council member Drake said the group met with many legislators and said he feels positive about the trip in that the capital money for Bethel in the Governor's budget would remain. Council member Drake announced the Alaska Municipal League is scheduled to hold its annual legislative meeting in Bethel in July. Council member Drake also said the K-300 organization asked that he express their deep appreciation for the City supporting the K-300 race. He explained that because urban Alaskans feel rural Alaskans don't pay their own way, the city clerk prepared a Bethel fact sheet to send to the legislators Council met with to, in fact, show that Bethel contributes a lot.

Council Member Rodgers said the road from Kalskag to Aniak is open and hopefully by March the road would be open all the way up river. He said caribou are close and wolves have been sighted. He cautioned all to be careful. Mayor Rodgers wished Council member Drake a happy birthday. He said the Bethel Heights water samples in front of Council look good.

Council Member Notti said for all to be careful hunting. He also thanked the City for allowing him to be part of the group that went to Juneau to lobby. He said the capital budget looks good for Bethel. He said it wouldn't hurt for Council to go back to Juneau to lobby for the budget towards the end of the session when the budget is on the table.

Council Member Pavil said the Calista Elders Council will hold its annual youth conference in Akiachak and hopes the City could help with transportation. Council member Notti recommended transportation via Hover Craft.

Council Member Short, Jr.—no comment.

EXECUTIVE SESSION

MOVED BY:	Berger	To go into executive session to discuss A: matter that may prejudice the reputation or character of an individual
SECONDED BY:	Notti	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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Council came out of executive session.

ADJOURNMENT

MOVED BY:	Drake	To adjourn the meeting.
SECONDED BY:	Short	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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With no further business before the Council, the meeting adjourned at 8:55 p.m.

APPROVED THIS 26th DAY OF FEBRUARY 2002.

ATTEST:

Stanley "Tundy" Rodgers, Mayor

Colleen Soberay, City Clerk