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# City of Bethel City Council Meeting Minutes

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August 15, 2006

Regular Meeting

Bethel, Alaska

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## **I. CALL TO ORDER**

A Regular Meeting of the Bethel City Council was held on August 15, 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 Andrew McGowan  
Council Member Dave Trantham  
Vice Mayor Mary Kenick

Members absent:

Council Member Tundy Rodgers

Others present:

City Clerk Sandra Modigh  
City Attorney Sharon Sigmon  
City Manager Wally Baird

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

1. Charley Chung addressed Council to request that Council discuss ordinance 06-20 to make a decision.

**IV. APPROVAL OF THE CONSENT AGENDA AND REGUALR AGENDA**

<b>MOVED:</b>	Leinberger	To approve the agenda for the August 15, 2006 Regularly Scheduled City Council Meeting as amended removing ordinance 06-20 and 06-19 from the consent agenda.
<b>SECONDED:</b>	Trantham	
<b>MOVED:</b>	Leinberger	To table ordinance 06-17 until the next Council meeting.
<b>SECONDED:</b>	Kenick	
<b>VOTE ON MAIN MOTION</b>	Carried unanimously.	
<b>MOVED:</b>	Leinberger	To table item B under Unfinished Business and Item E from New Business until the next City Council Meeting
<b>SECONDED:</b>	Kenick	
<b>VOTE ON MAIN MOTION</b>	Carried unanimously.	
<b>VOTE ON MAIN MOTION</b>	Carried unanimously.	

**VI. APPROVAL OF MEETING MINUTES**

**Item A-7/25/06 Regular Meeting Minutes**

*Meeting minutes approved/ revised on the consent agenda*

**VII. REPORTS OF STANDING COMMITTEES**

Parks & Recreation Committee: Vice-Mayor Kenick informed Council that the Parks & Recreation Committee has not met since the last City Council Meeting.

Finance Committee: Council Member Leinberger informed Council that the Finance Committee has not met since the last City Council Meeting.

Alternative Energy Committee: Council Member Leinberger advised Council he would inform them of the past Alternative Energy Committee meeting at the next Council Meeting.

Public Works Committee: Council Member McGowan advised Council that the Public Works Committee is currently meeting during the Council Meeting.

Port Commission: Mayor Williams informed Council that the Port Commission has not met since the last City Council meeting.

Public Safety & Transportation Commission: Council Member Dymont stated that the PS&T Commission has not met since the last City Council Meeting.

Alaska Municipal League: Council Member Trantham advised Council that Bethel will tentatively be in the running for the 2010 or 2011 for the AML Summer Legislative Meeting. The Board has decided to pre-designate locations for the AML Summer Conference in three year increments. Council Member Trantham advised Council they AML has proposed to the legislature to share with all municipalities 6% of all revenues from natural resources.

### **VIII. UNFINISHED BUSINESS**

#### **Item A- Introduction Of Ordinance 06-15: An Ordinance Amending Section 2.04.140 Of The Bethel Municipal Code-Organization Of Council**

<b>MOVED:</b>	Rodgers	To introduce ordinance 06-15: An Ordinance Amending Section 2.04.140 Of The Bethel Municipal Code-Organization Of Council; set for public hearing on August 29, 2006
<b>SECONDED:</b>	Trantham	
<b>VOTE ON MAIN MOTION</b>		
Carried: 4 - 2 Williams, McGowan voting against.		

#### **Item B- Approval Of Renegotiating Alaska Court System Lease**

***Item tabled until the next City Council Meeting.***

**Item C- Public Hearing Of Ordinance 06-16: An Ordinance Amending The City Of Bethel Official Map And Land Use Code**

**Public Hearing:**

1. Anna Hoffman addressed Council to speak in favor of ordinance 06-16

<b>MOVED:</b>	Dyment	To adopt ordinance 06-16: Introduction Of Ordinance 06-16: An Ordinance Amending The City Of Bethel Official Map And Land Use Code; set for public hearing on August 15, 2006
<b>SECONDED:</b>	Trantham	
Council declared a conflict of interest for Vice-Mayor Kenick at the 7/25/06 Council meeting; Vice-Mayor did not partake in the discussion or action of ordinance 06-16.		
<b>VOTE ON MAIN MOTION</b>	Carried unanimously. Kenick abstaining.	

**Item D-Public Hearing Of Ordinance 06-17: An Ordinance Amending Section 4.16.180 Of The Bethel Municipal Code Regarding Changing Penalties For Taxes Not Paid And Establishing New Penalties For Tax Reports Not Filed**

*Item tabled until the next City Council Meeting.*

**Item E-Introduction Of Ordinance 06-18: An Ordinance Modifying Chapter 2.25 Of The Bethel Municipal Code By Dividing The Public Safety And Transportation Commission Into Two Separate Entities; And Making Conforming Changes To The Bethel Municipal Code**

*Ordinance 06-18 was introduced on the consent agenda and set for public hearing on August 29<sup>th</sup>.*

**Item F- City Council Priorities For The Alaska Municipal League 2006 Summer Legislative Conference**

*Council did not discuss Item F; Council Members have already attended the conference*

**Item G- Discussion of Land Rehabilitation Costs For The Bethel Readiness Center**

Council Members and the City Manager discussed the outstanding amount and how we may have partial funds through the next Legislative Session for payment to cover the cost incurred for the removal of vehicles from the property.

Council also discussed revision of the current budget to pay in full the amount owed or documentation from Mr. Christensen to advise Council of the discussion above between the City Manager and Mr. Christensen.

**Item H- Review City Attorney Contract**

*Council concurred to take a break from 7:17 until*

Council and the City Attorney Sigmon discussed the proposed contract.

<b>MOVED:</b>	Dyment	To amend the proposed contract to add in <u>Section 4. Salary,</u> in the last sentence, delete the letter "a" add the word "initial" after the word have and before the word evaluation.
<b>SECONDED:</b>	Leinberger	
<b>VOTE ON MAIN MOTION</b>		
Carried unanimously.		

<b>MOVED:</b>	Dyment	To adopt the proposed contract between the City of Bethel and Sharon Sigmon as amended.
<b>SECONDED:</b>	Kenick	
<b>VOTE ON MAIN MOTION</b>		
Carried unanimously.		

**Item I- Agreement For Power Pole Rental And Waste Heat Fuel With Bethel Utility Company**

<b>MOVED:</b>	Dyment	To adopt the MOA between the City of Bethel and Bethel Utility Corporation as provided to Council.
<b>SECONDED:</b>	Leinberger	
<b>VOTE ON MAIN MOTION</b>		
Carried unanimously.		

**IX. NEW BUSINESS**

**Item A-Introduction Of Ordinance 06-19: An Ordinance Amending Section 2.04.050 (A) Of The Bethel Municipal Code Relating To The Order Of Business Conducted At City Council Regular Meetings**

<b>MOVED:</b>	Dyment	To introduce ordinance 06-19: An Ordinance Amending Section 2.04.050 (A) Of The Bethel Municipal Code Relating To The Order Of Business Conducted At City Council Regular Meetings as amended with public hearing set for 8/29/06.
<b>SECONDED:</b>	Leinberger	
<b>VOTE ON MAIN MOTION</b>		
Carried: 5 - 1 McGowan voting against.		
<p>Council Member Dyment called a point of order regarding Council Member McGowan eating during the meeting and not speaking into the microphone.</p> <p>Mayor Williams declared that the point of order is out of order.</p>		
<b>VOTE ON MAIN MOTION</b>		
Carried: 4 - 2 Williams, McGowan voting against.		

**Item B-Introduction Of Ordinance 06-20: An Ordinance Amending Section 5.20.050 Of The Bethel Municipal Code Adopting Subsection (F) Setting Maximum Taxi Fare Rates**

<b>MOVED:</b>	Dyment	To table ordinance 06-20 until the Public Safety & Transportation Commission has an opportunity to review and provide a recommendation to City Attorney for amendments.
<b>SECONDED:</b>	Kenick	
<b>VOTE ON MAIN MOTION</b>		
Lost: 3 - 3 Williams, McGowan, Trantham voting against.		

<b>MOVED:</b>	Dyment	To suspend the rules to allow public testimony from 3 members of the public.
<b>SECONDED:</b>	Leinberger	
<b>VOTE ON MAIN MOTION</b>		
Carried unanimously.		

Frank Muzzaro addressed Council to state that he has addressed the Public Safety & Transportation Commission with proposed BMC revisions that have not been acted upon by the Commission.

Council Member Leinberger stated a Point of Order to address the Mr. Frank Muzzaro

Mayor Williams ruled on the point of order and allowed Council Member Leinberger address Mr. Frank Muzzaro.

Council Member Leinberger and Mr. Frank Mussaro discussed the PS&T Commission responses to his matters and the procedures to place an ordinance before City Council.

Theresa Borckel spoke in favor of ordinance 06-20 to the PS&T Commission.

<b>MOVED:</b>	Trantham	To introduce ordinance 06-20: An Ordinance Amending Section 5.20.050 Of The Bethel Municipal Code Adopting Subsection (F) Setting Maximum Taxi Fare Rates as amended.
<b>SECONDED:</b>	McGowan	

<b>MOVED:</b>	Leinberger	To strike Section 4 of ordinance 06-20
<b>SECONDED:</b>	Trantham	

<b>VOTE ON MAIN MOTION</b>	Carried: 4 - 2 Williams, McGowan voting against.
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<b>MOVED:</b>	Trantham	to refer ordinance 06-20 to the Public Safety & Transportation Commission
<b>SECONDED:</b>	Leinberger	

<b>VOTE ON MAIN MOTION</b>	Carried unanimously.
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***Council concurred to take a recess from 8:55p until 9:04p***

<b>VOTE ON MAIN MOTION</b>	Lost: 2 - 4 Dan, Trantham voting for.
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<b>MOVED:</b>	Dyment	To refer this matter to the Public Safety & Transportation Commission for a recommendation to Council.
<b>SECONDED:</b>	Kenick	

<b>VOTE ON MAIN MOTION</b>	Carried: 4 - 2 Williams, McGowan voting against.
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**Item C-Introduction Of Ordinance 06-12 (A): An Ordinance Of The Bethel City Council Amending The Adopted FY 2006-07 Budget Establishing A Separate Travel/Training Budget Line Item For Staff Attorney**

***Ordinance 06-12 (A) was introduced on the consent agenda and set for public hearing on August 29<sup>th</sup>.***

**Item D-Introduction Of Ordinance 06-12(B): An Ordinance Of The Bethel City Council Amending The Adopted Annual FY 2006-07 Budget Reducing General Fund Expenditures To Cover Anticipated Loss Of Sales Tax Revenue Related To Adoption Of New Sales Tax Exemption For Senior Citizens On Heating Fuel**

*Ordinance 06-12 (B) was introduced on the consent agenda and set for public hearing on August 29<sup>th</sup>.*

**Item E- Resolution 06-19: A Resolution Giving Notice Of The City’s Intent To Reimburse Capital Expenditures For Court Complex Expansion Project With Tax-Exempt Funding Proceeds**

*Item tabled until the next City Council Meeting.*

**Item F- Leasing Of The Property Under The Boys Group Home And Donating The Boys Group Home To The Korean Church**

<b>MOVED:</b>	Dyment	To direct Administration to proceed with this matter with the Korean Church.
<b>SECONDED:</b>	Kenick	
<b>VOTE ON MAIN MOTION</b>		
Carried unanimously.		

**X. MAYOR’S REPORT**

- Letter from Governor Murkowski regarding fiscal year 2007 capitol budgets
- Letter from Northern Energy Systems Company thanking all that attended their conference
- Letter from Manager Wally Baird thanking the Wind-Diesel Conference Participants
- Letter from Governor Murkowski regarding the Endangered Species Act
- Letter from the Alaska Small Business Development Center regarding the new program, Alaska Performance Excellence
- Assisted living home construction in the YK Delta
- Letter from the Department of Heath & Human Services regarding National Alcohol & Drug Addiction Recovery Month

Mayor Williams advised Council that the Murkowski representatives are requesting to meet with City Council on 8/19/06 and will discuss this further with the City Manager.

Mayor Williams updated Council on the issues discussed at the AML Summer Conference.

**XI. MANAGER'S REPORT**

- Finance Department Sales Tax Action Plan
- Synopsis of wind-Diesel Power in Alaska Conference
- Letter from City Manager Baird to Jim Valcarce regarding the Stanley Rodgers Jr. investigation
- Waiver of the lease on the lift station
- Conversations with VSF regarding reimbursement on funds
- Readiness Center reimbursement
- Update on his travel to attend the AML Summer Conference

<b>MOVED:</b>	McGowan	To direct the grants manager to discontinue perusing the transit bus system and proceed in finding funds for other grant opportunities as amended.
<b>SECONDED:</b>	Leinberger	
Grant Manager John Sargent advised Council that there is a meeting scheduled next week to address funding for the transit bus system and invited Council to attend.		
<b>MOVED:</b>	Dyment	To amend the motion to make the original motion effective at the end of September.
<b>SECONDED:</b>	Leinberger	
<b>VOTE ON MAIN MOTION</b>	Carried: 5 - 1 Williams voting against.	
<b>MOVED:</b>	Dyment	To amend the motion to delete "grants manager" and insert "administration".
<b>SECONDED:</b>	Leinberger	
<b>VOTE ON MAIN MOTION</b>	Carried unanimously.	
<b>MOVED:</b>	McGowan	To receive a brief overview from admin regarding the transit system at the next City Council meeting.
<b>SECONDED:</b>		
<b>VOTE ON MAIN MOTION</b>	<i>Motion failed for lack of a second.</i>	

<b>MOVED:</b>	Dyment	to suspend the rules to proceed past 10p
<b>SECONDED:</b>	Leinberger	
<b>VOTE ON MAIN MOTION</b>	Carried unanimously.	
<b>VOTE ON MAIN MOTION</b>	Carried: 4 - 2 Williams, McGowan voting against.	

<b>MOVED:</b>	Dyment	To suspend the rules to proceed into Executive Session.
<b>SECONDED:</b>	Keinck	
<b>VOTE ON MAIN MOTION</b>	Lost unanimously.	

- Update to Council on the snow removal plan

## **XII. CITY CLERK'S REPORT**

- Codification/BMC
- Upcoming Elections
- Travel Request
- 2007 AML Legislative Conference Application Submission
- Record Retention
- Newsletter

<b>MOVED:</b>	Leinberger	To approve the City Clerk's travel to the NNA Training Education Symposium in Anchorage.
<b>SECONDED:</b>	Trantham	
<b>VOTE ON MAIN MOTION</b>	Carried unanimously.	

#### **XIV. COUNCIL MEMBER COMMENTS**

Council Member Trantham thanked all Council Members for sticking with the meeting this evening and also stated that he feels uncomfortable when they do not complete the City's business. Council Member Trantham reminded Council that he has been advised by his Physician not proceed past 10p at City Council meetings but continues to do so for the community.

Council Member Dymont stated that he encourages vigorous debate but not to make the debate personal.

Mayor Williams stated that recycling is dear to his heart and also informed Council that the ordinance 06-12 (B) was introduced as in the Council packet and not as the amended version emailed to Council. Mayor Williams stated that he enjoyed attending the AML conference and updated Council on conference topics.

Council Member McGowan stated that he has no comments this evening

Council Member Leinberger stated that he agreed with Council Member Dymont regarding debate and that he to appreciates debate to make an informed decision.

Vice-Mayor Kenick stated unfortunately she was unable to attend the AML Conference but looks forward to attending the next conference. Vice-Mayor Kenick also reminded the Council and the community to get out and vote at the primary election.

***Council concurred to recess from 10:26 until 10:38p***

#### **XIII. EXECUTIVE SESSION**

##### **Item A- Clean Stop Laundry Counter Offer**

<b>MOVED:</b>	Kenick	To proceed into executive session to discuss the Clean Stop Laundry Counter Offer
<b>SECONDED:</b>	Leinberger	
Mayor Williams declared a conflict of interest for Council Member McGowan; Council Member McGowan was dismissed at 10:38p.		
<b>VOTE ON MAIN MOTION</b>	Carried unanimously.	

***Council exited Executive Session at 11:30p***

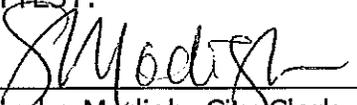
**XV. ADJOURNMENT**

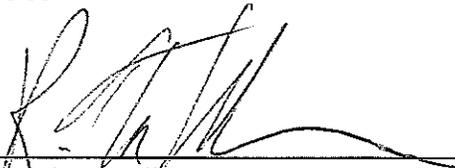
<b>MOVED:</b>	Kenick	To adjourn the meeting at
<b>SECONDED:</b>	Leinberger	
<b>VOTE ON MAIN MOTION</b>	Carried unanimously.	

**With no further business before the Council, the meeting adjourned at 11:31 p.m.**

**APPROVED THIS 29<sup>TH</sup> DAY OF AUGUST, 2006.**

ATTEST:

  
Sandra Modigh, City Clerk

  
R. Thor Williams, Mayor