
City of Bethel, Alaska

City Council Minutes

October 9, 2001

Regular Meeting

Bethel, Alaska

CALL TO ORDER

A regular meeting of the Bethel City Council was held on October 9, 2001, at 6:30 p.m. in the Council chambers, Bethel, Alaska.

Mayor Rodgers called the meeting to order at 6:32 p.m.

ROLL CALL

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

Jerry Drake	Stanley "Tundy" Rodgers
Dario Notti	Karol Sanchez-Pobrislo
Carl Berger	
Thor Williams	

Also in attendance were the following:

Robert Herron, City Manager
Colleen Soberay, City Clerk

SPECIAL ORDER OF BUSINESS

A. Resolution #01-35: Certifying City Election

MOVED BY:	Drake	To adopt resolution #01-35
SECONDED BY:	Williams	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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B. Oaths of Office

The City Clerk administered an oath of office to newly elected Council member Short, Jr. and Council member Pavil.

C. Election of Mayor and Vice Mayor

Nominations for Mayor — Council member Berger nominated Council member Rodgers for mayor and Council member Pavil nominated Council member Drake for mayor.

MOVED BY:	Drake	To close nominations for mayor
SECONDED BY:	Pavil	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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Vote for Mayor — Short, Jr., for Drake; Pavil for Drake; Drake for Drake; Rodgers for Rodgers; Notti for Rodgers; Pobrislo for Rodgers; Berger for Rodgers. *Final vote: Drake 3; Rodgers 4*

Council member Rodgers was elected to serve as Mayor for a second term.

Nominations for Vice Mayor — Council member Drake nominated Council member Short, Jr. for vice mayor and Council member Sanchez-Pobrislo nominated Council member Notti for vice mayor.

MOVED BY:	Pavil	To close nominations for vice mayor
SECONDED BY:	Berger	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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Vote for Vice Mayor — Short, Jr., for Short, Jr.; Pavil for Notti; Drake for Short, Jr.; Rodgers for Notti; Notti for Notti; Pobrislo for Notti; Berger for Notti. *Final vote: Notti 5; Short, Jr. 2*

Council member Notti was elected to serve as Vice Mayor:

PEOPLE TO BE HEARD

Terryl Miller, Bethel resident, said there continues to be an existing legal dilemma between himself and the City. He asked Council to address this issue in executive session, as he fears his reputation might be prejudiced.

City manager Herron said he has no objections to discussing the legal issue with Mr. Miller in executive session but cautioned Council that to do this would require that Council receive permission from everyone Mr. Miller will mention in the discussion to be talked about in executive session. Council member Berger suggested Council invite both the city attorney and Mr. Miller's attorney to attend. Council member Drake reiterated that because this is a legal issue the City should have its attorney present. Mr. Miller reiterated his desire to resolve this issue as soon as possible. Discussion ensued.

MOVED BY:	Berger	To request that the City's attorney and Mr. Miller's attorney meet to resolve this legal matter and if it cannot be resolved then bring it back to Council as a regular agenda item
SECONDED BY:	Sanchez-Pobrislo	

VOTE ON MOTION	Motion carried by voice vote 6-1 (Drake)
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APPROVAL OF MINUTES

MOVED BY:	Drake	To approve the minutes of the September 25, 2001 regular meeting and September 28 special meeting
SECONDED BY:	Berger	

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 old business item A from the agenda and adding new business item D: Ratify acceptance of Mr. Keppel's resignation from Planning Commission; E: AML Board of Directors seat; F: Resolution #01-36; G: Internal review of Police Department; H: Resolution #01-37; and executive session item A: legal matter
Seconded By:	Sanchez-Pobrislo	

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

The Mayor's Report included the following:

- Governor's Talking Points for the week of September 24 and October 1, 2001
- Letter from Government Finance Officers Association — *Re:* Certificate of Achievement for Excellence in Financial Reporting: The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting—**Awarded to Stuart N. Robinson, Finance Director**
- "Building our Communities" Workshop December 3-5, 2001—Infrastructure, Homes and Public Facilities for Rural Alaska: Forging community vision, accessing funding, coordinating development, and achieving sustainability*
- Letter from Dept. of Community and Business Development — *Re:* Full and true value of taxable real and personal property within the City of Bethel
- Memorandum from City Manager — *Re:* Change of Permanent Schedule: Department of Public Works Streets & Roads Crew
- Letter from Dept. of Military and Veterans Affairs — *Re:* Preparation for the fall storm season for coastal communities
AML Legislative Committee 2002 application form

The city clerk pointed out item C to Council and encouraged Council to attend. Council member Notti said he may be able to attend and would let the city clerk know in advance.

MANAGEMENT TEAM'S REPORT

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

- Tunista Properties, Inc., — Request to vacate a portion of Third Ave.

Sue Whittom, project manager for Tunista Properties, Inc., spoke to Council in regard to the request to vacate a portion of Third Ave. Ms. Whittom explained to Council the reasons for the request. She said Tunista is encroaching on Third Ave with its storage building, but didn't know Tunista was encroaching at that time. She reiterated Tunista has no plans to develop any portion of the requested vacated area. Ms. Whittom recommended Council look at the site itself, as it may be helpful. Discussion ensued. Council concurred this should be referred to the Planning Commission and later brought back to Council.

- Wells Fargo's sales tax exemption request—Requested that this be referred to the Finance Committee
- Phase I Construction — Request Council approve this award pending full recommendations from CRW Engineering and Village Safe Water. Recommendations expected

MOVED BY:	Notti	To award <i>Bethel City Subdivision Water & Sewer Improvements—Phase I</i> to Osborne Construction Company for \$4,474,076
SECONDED BY:	Drake	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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The city clerk reviewed the following with Council:

- Washington D.C. trip October 1-5 — Conference and lobbying efforts for construction funds for a Regional Public Safety Training Facility. City clerk gave Council the preliminary project description/proposal passed out during meetings in Washington D.C. She said people were receptive to the project. She explained that a lot of contacts were made and gave council a list of people the group met with. The city clerk said many people recommended the City come back in February for the FY03 budget cycle and reviewed the recommendations made by people met with. The city clerk briefly reviewed the project description. Council member Sanchez-Pobrislo thanked the city clerk for putting the preliminary project description together and asked if there would be a dispatch center in the facility. The city clerk replied yes. Ms. Sanchez-Pobrislo also said with this kind of a facility there will be a lot of administrative costs associated with this facility. She said she wanted to point this out for everyone to keep in mind in terms of fiscal responsibility.

REPORTS OF STANDING COMMITTEES

Senior Advisory Board

Council member Berger said the SAB had a work session on October 9 to discuss grants received by the Senior Center. Mr. Berger reviewed the grants received. He said the next meeting is scheduled for October 16.

Parks and Recreation Committee

Council member Sanchez-Pobrislo said the committee's meeting was rescheduled due to lack of a quorum. She said the next meeting is scheduled for October 17.

Planning Commission

Council member Notti said the commission met on September 20 as reported at the last council meeting. He said the next meeting is scheduled for October 11 and reviewed the agenda.

Port Commission

Mayor Rodgers said the commission has not met since the last council meeting. He said the Commission is scheduled to meet October 11 and reviewed the agenda. Mayor Rodgers reviewed the Port Director's management report in the council packet.

Public Works Committee

Council member Drake said the committee has not met since the last council meeting. He said the next meeting is scheduled for October 15. Mr. Drake reported on the most recent AML Board

meeting. He said the AML Board encourages councils to send the Board resolutions of concerns and priorities of the community for the next session. He also explained AML's youth program and encouraged involvement. Mr. Drake said council should consider Bethel as next year's AML conference site. Discussion briefly ensued.

Public Safety and Transportation Commission

Mayor Rodgers said the Commission met October 8 and reviewed the agenda items discussed. Council member Short Jr. elaborated on the agenda items discussed. He said the Commission passed a motion to lower the cab rates to the previous emergency rates set.

Finance Committee

Finance Director, Stuart Robinson, said the Committee is scheduled to meet October 25 including a sales tax class the hour prior to the meeting.

Council agreed to the following Council-committee/commission arrangements:

- Senior Advisory Board — Council member Berger
- Parks and Recreation Committee — Council member Short Jr.
- Planning Commission — Council member Notti
- Port Commission — Mayor Rodgers
- Public Works Committee — Council member Drake
- Public Safety and Transportation Commission — Council member Pavil
- Finance Committee — Council member Sanchez-Pobrislo

Mayor Rodgers asked the city clerk to read the election results in Resolution #01-35.

UNFINISHED BUSINESS

Item A — Ordinance #01-34

Removed from the agenda.

Item B — Public Hearing — Ordinance #01-36: Budget modification Port Department

MOVED BY:	Drake	To adopt ordinance #01-36
SECONDED BY:	Sanchez-Pobrislo	

VOTE ON MOTION	Motion carried by unanimous roll-call vote.
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NEW BUSINESS

Item A — Introduction Ordinance #01-37: An ordinance authorizing a lease for purposes of providing the necessary public service of proper used-battery disposal

MOVED BY:	Sanchez-Pobrislo	To introduce Ord. #01-37 and set the public hearing for October 23, 2001
SECONDED BY:	Berger	

Council member Drake said he was concerned about storing hazardous material near a well. City manager Herron said administration is also concerned about this. He explained the storage container on the leased property and explained the \$1 million insurance policy requirement. Discussion ensued.

VOTE ON MOTION	Motion carried by unanimous voice vote
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Item B — Discussion: Donation request by LKSD for surplus police car for use as a truant officer vehicle

City manager Herron explained LKSD's request to the City to donate a surplus police car for use as a truant officer vehicle. He said estimated value range would be between \$3,000 and \$8,000 for a vehicle—1993 S-10 4-door Blazer. He recommended Council grant LKSD's request.

MOVED BY:	Drake	To donate a City surplus police car to LKSD for the use as a truant officer vehicle
SECONDED BY:	Berger	

Council member Notti said there should be a stipulation in the donation—if the car is not used for the intended purpose, it reverts back to the City. Council member Sanchez-Pobrislo agreed with Mr. Notti. Discussion ensued. Council agreed a resolution, with a reverter clause, should be presented at the next Council meeting to donate the vehicle to LKSD.

VOTE ON MOTION	Motion carried by unanimous voice vote
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Item C — Discussion: Cab rates and structure of such rates

City manager Herron reviewed the process to adjust rates in regard to Ordinance #01-02 that allows the Public Safety and Transportation Commission to adjust rates through promulgations of regulations. Council member Notti said he asked that this be placed on the Council agenda, but at the PSTC meeting prior to this meeting the rates were dealt with. Council member Sanchez-Pobrislo asked how the PSTC knows when rate increases are truly needed. Council member Notti reviewed the increase in costs associated with the cab industry. Council member Short Jr. said the profits business owners make shouldn't have any bearing on whether or not to increase cab rates. Council discussed the initial justification for the cab rate increase. Discussion briefly ensued.

Item D — Ratification of Willy Keppel's resignation from the Planning Commission

MOVED BY:	Drake	To ratify Mr. Keppel's verbal resignation from the Bethel Planning Commission
SECONDED BY:	Pavil	

VOTE ON MOTION	Motion carried by unanimous voice vote
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Item E — AML Board of Director's Seat: Election at AML Conference

Council member Drake addressed this item in that the AML will have an election at the November conference and he would like to run for the District 9 seat that he currently holds. Council member Berger said he is also interested in running for the District 9 seat. Council member Sanchez-Pobrislo asked what region District 9 covers. Council member Drake responded the Y-K Delta.

Council discussed the process of voting for someone for the AML Board seat. Council member Short, Jr. said he would be comfortable sending one candidate so as to present a united front. After an unsuccessful poll of deciding between Council member Drake and Council member Berger, Council agreed to have administration provide more information on the voting procedure and how to withdraw candidacy if declared. Council member Notti said he is considering running for the at-large AML Board seat. Discussion briefly ensued.

Item F — Resolution #01-36: A resolution

Council member Berger read Resolution #01-36. He explained the reasons he wants to introduce this resolution such as reasonable electric costs and in an effort to urge BUI to streamline its operations so that it may operate more efficiently in the community. Council member Drake said he appreciates Mr. Berger's intent, but said Mr. Berger may be going about it the wrong way. Council member Drake said the resolution's intent is good, but said much of it needs to be clarified. Council member Berger said he is trying to advocate for reasonable utility costs for the community and is willing to re-work the resolution. Council member Berger invited Council to give input on the wording of the resolution. Council member Sanchez-Pobrislo thanked Mr. Berger for bringing this to Council's attention, but agrees with Council member Drake that the resolution needs to be clarified. Council agreed to reconsider this resolution the language is clarified. Discussion ensued.

Item G — Discussion: Internal review of Bethel Police Department

Mayor Rodgers requested Council concurrence to direct the City Manager to conduct an internal review of the Police Department. Mayor Rodgers read a list of concerns to be addressed in the internal review: Code Enforcer/Animal Officer; search without probable cause; retention of officers; management style; traffic over burglaries. Council member Pavil asked that training be reviewed as well.

City manager Herron said Chief Petitt is present, if Council has any questions for him, he would be happy to respond. Council member Sanchez-Pobrislo reminded Council this internal review is to stop rumors going around the community. Council member Drake said he does not support this if it turns into a witch hunt and reiterated that this is only to stop rumors.

City manager Herron said he may have questions to bring back to Council rather than answers at the next Council meeting. City manager Herron reviewed the list of items to be reviewed. Discussion briefly ensued.

Item H — Resolution #01-37: STIP program

MOVED BY:	Drake	To adopt Res. #01-37
SECONDED BY:	Notti	

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

Council Member Berger welcomed Council member Short, Jr. and Pavil to Council. He said they have a lot to learn because so many things have changed and continues to change. Mr. Berger thanked Mr. Williams and Ms. Phillips for serving on Council and wished them well.

Council Member Sanchez-Pobrislo welcomed Council member Short, Jr. and Pavil to Council and said she looks forward to working with them. She also thanked Mr. Williams and Ms. Phillips for serving on Council.

Council Member Drake—*no comment.*

Council Member Rodgers welcomed the new Council members. He offered his condolences to Donna Gibbons who lost her husband Mike.

Council Member Notti congratulated Council member Short, Jr. and Pavil for being elected to Council. He wished is 3 year-old a happy birthday and gave his condolences to Donna Gibbons.

Council Member Pavil thanked the voters for their support and said she looks forward to working with Council.

Council Member Short, Jr. thanked all of the voters who turned out to support him. He said he looks forward to working with Council.

EXECUTIVE SESSION

MOVED BY:	Sanchez-Pobrislo	To go into executive session to seek direction on a legal matter and up-date Council on a legal matter
SECONDED BY:	Berger	

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

ADJOURNMENT

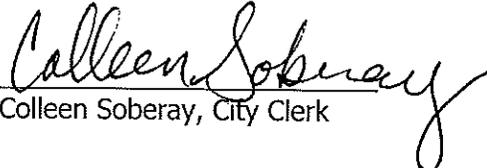
MOVED BY:	Sanchez-Pobrislo	To adjourn the meeting.
SECONDED BY:	Drake	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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With no further business before the Council, the meeting adjourned at 10:05 p.m.

APPROVED THIS 23rd DAY OF OCTOBER 2001.

ATTEST:


Colleen Soberay, City Clerk


Stanley "Tunny" Rodgers, Mayor