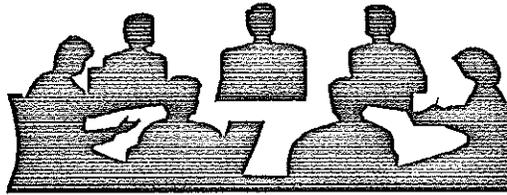


CITY COUNCIL

*Antone Anvil
Dario Notti
Mike O'Brien
Agnes Phillips, Mayor
Stanley Rodgers
Karol Sanchez-Pobrislo
Thor Williams*



CITY MANAGER
Ken Weaver

CITY CLERK
L.J. Warren

**City of Bethel
Regular Council Meeting Minutes
December 9, 1997**

I. CALL TO ORDER

The meeting was convened at 6:30 p.m. by Mayor Phillips at the City Offices, Bethel, Alaska.

II. ROLL CALL

Present: Anvil, Notti, O'Brien, Phillips, Rodgers, Sanchez-Pobrislo, Williams
Absent: none

Also present: City Manager Ken Weaver, City Clerk, and 19 members of the public.

III. PEOPLE TO BE HEARD

Sixth-graders Curtis, Lisa, Roxanne, Virginia, Nicholai, and Douglas spoke to the Council about the dangers of environmental tobacco (second-hand) smoke and asked the Council to consider a public smoking ordinance. Caroline Renner spoke in agreement with the student's concerns. Litsa Scott stated that her family's restaurant, Dimitri's, has instituted a no-smoking rule, and their business has increased because families know they can bring children to eat without exposing them to environmental tobacco smoke. Dave Trantham addressed the Council with regard to finances, bootleggers, and the City Manager. Marc Stemp and Wally Richardson spoke to the Council about the 14(c)(3) reconveyance process.

IV. APPROVAL OF MINUTES

Corrections were noted as follows: change "the event" to "the education forum with legislators" on page 1, Mayor's Report, and add "and noted that the City Clerk had indicated that she had informed Mr. O'Malley that an attempt to remove him from the Commission would be made at this meeting" to the last sentence of Item E on Page 5.

motion M/M by O'Brien, 2nd by Williams to approve the minutes of the November 25 regular meeting, with corrections as noted.

vote Voice vote. Motion carried unanimously.

V. APPROVAL OF AGENDA

Council member Notti asked to add New Business Item F, Resolution #97-61, Finalization of BNC 14(c)(3) reconveyance process.

motion M/M by Notti, 2nd by O'Brien to approve the agenda as amended.

vote Voice vote. Motion carried unanimously.

VI. MAYOR'S REPORT

Mayor Phillips reported on the progress of the Kuskokwim Coordinated Response Partnership. A delegation from Washington D.C. visited Bethel recently to determine the best way to distribute funds released under the Magnuson-Stevens Act. She will keep the Council apprised of any developments.

Next, Mayor Phillips asked the City Clerk to describe the Y-K Telecommunications Conference. The Clerk reviewed the agenda for the Council, and noted that they were all invited to attend.

VII. MANAGER'S REPORT

City Manager Weaver referred Council to his written reports, and discussed the following:

- Engineering Services proposals - Presentations from the firms submitting proposals will be scheduled after the holidays.
- Lobbyist contract: The signed contract was received from Mr. Richards on Monday.
- City Pool vehicles - In response to a question from Council member Rodgers, Public Works Director Clair Grifka explained that three vehicles are out of commission and being repaired. Employees are working together to share the remaining vehicles.
- Snow Removal Plan - Council member Sanchez-Pobrislo requested that City Administration post the notice that the Council received in their packets.

VIII. REPORTS OF STANDING COMMITTEES and COMMISSIONS

The Clerk read the following recommendations for the record:

- The Public Safety Commission recommends that all of the places listed in the attorney's memo regarding public smoking be smoke-free; and further, that smoking be banned at all food service establishments, not just those with seating for more than 50 people.
- The Public Safety Commission recommends that the curfew siren be relocated to the highschool, pending approval from the principal.

Mayor Phillips asked for a motion from Council to request the attorney to draft a public smoking ordinance. Council members Williams and Anvil noted that the community members supporting a non-smoking ordinance have requested that it be delayed until May 1998 to allow for community education.

motion M/M by Williams, 2nd by O'Brien to have a public smoking ordinance prepared for introduction at the May 26, 1998 regular City Council meeting.

Mayor Phillips noted that while she agreed with the need for public education, she would like to see an ordinance put into effect much sooner.

vote Voice vote. Motion carried, 6-Yes, 1-No (Phillips)

Finance Committee: The Committee will meet on December 11.

Planning Commission: The Commission will meet on December 11.

Port Commission: The Commission will meet on December 15.

Public Works Committee: The Committee will meet on December 16.

Public Safety Commission: Council member Anvil reported that he missed the December 1 meeting due to several broken ribs. However, draft minutes are in the packet.

Transportation Commission: The Commission did not have a quorum on December 4. They will reschedule the meeting.

Senior Advisory Board: Council member Anvil reported that he missed the December 3 meeting due to several broken ribs.

Youth Services Committee: Council member Sanchez-Pobrislo stated that the Committee met just before tonight's Council meeting. They discussed Youth Center rule violations and consequences.

IX. OLD BUSINESS

Item A: Presentation - City Sub W/S Project Update, Buried Pipeline Study Proposal (Weaver)

Paul Gabbert of Village Safe Water reviewed the City Sub project for the benefit of newer Council members and answered questions from Council. He then reviewed a proposal to study the feasibility of burying the water and sewer pipelines in City Sub. Council discussed the matter at length, and Mr. Gabbert answered several questions.

motion M/M by Williams, 2nd by O'Brien to proceed with Phase I, "Evaluation of Alternatives" of the proposed Buried Pipeline Study/Design Proposal.

vote Voice vote. Motion carried, unanimously.

Item B: Public Hearing, Ordinance #97-29, Amending the provisions of the Bethel Municipal Code governing council procedures, duties and powers (Williams)

Mayor Phillips opened the Public Hearing. David O'Malley had several comments about the ordinance. Seeing and hearing no one else to be heard, Mayor Phillips closed the Public Hearing, and asked for Council direction. Council member O'Brien suggested that a Consent Agenda be added to the Order of Business for Council meetings.

motion M/M by Williams, 2nd by Sanchez-Pobrislo to amend Ordinance #97-29 by adding a Consent Agenda to the order of business (Section 2.04.050(A)).

vote Roll call vote. Motion carried, 6-Yes, 1-No (Rodgers)

motion M/M by O'Brien, 2nd by Williams to adopt Ordinance #97-29 as amended

vote Roll call vote. Motion carried, 6-Yes, 1-No (Rodgers)

Item C: Public Hearing, Ordinance #97-30, Amending the Classification Plan (Weaver)

Mayor Phillips opened the Public Hearing. Seeing and hearing no one to be heard, Mayor Phillips closed the Public Hearing, and asked for Council direction.

motion M/M by Williams, 2nd by Notti to adopt Ordinance #97-30.

vote Roll call vote. Motion carried, unanimously.

Item D: Public Hearing, Ordinance #97-31, Amending the FY98 Budget (Weaver)

Mayor Phillips opened the Public Hearing. City Clerk L.J. Warren, Senior Center Director Julius Pleasant, Finance Director Stuart Robinson, and Public Works Admin. Asst. Wayne Smith spoke in favor of the ordinance. Dave Trantham spoke in opposition to the ordinance. Seeing and hearing no one else to be heard, Mayor Phillips closed the Public Hearing, and asked for Council direction. Council member Notti suggested that in the next fiscal year, the Computer Support Technician position be established as an internal service fund, with charges to the departments based on their percentage of use. Finance Director Robinson responded that this could be done.

motion M/M by Notti, 2nd by Sanchez-Pobrislo to adopt Ordinance #97-31.

vote Roll call vote. Motion carried, 4-Yes, 3-No (Anvil, Rodgers, Williams)

E. Public Hearing, Ordinance #97-31, Motor Vehicle Registration Tax Increase (Williams)

Mayor Phillips opened the Public Hearing. Mike Shantz, owner of Southwest Fuel, noted that he would be adversely affected by the ordinance. He's not opposed to paying his fair share, but would like to see the money spent on road maintenance or dust control. David O'Malley suggested that many people would simply register their vehicles elsewhere to avoid the fee, and that more public discussion and debate is needed. Seeing and hearing no one else to be heard, Mayor Phillips closed the Public Hearing, and asked for Council direction. Council member Rodgers stated that he is opposed to the increases.

motion M/M by Williams, 2nd by O'Brien to adopt Ordinance #97-32.

vote Roll call vote. Motion carried, 5-Yes, 2-No (Anvil, Rodgers)

X. NEW BUSINESS

motion M/M by Notti, 2nd by Rodgers to suspend the rules of procedure, move New Business Item F (Resolution #97-61) to New Business Item A, and re-number the remaining New Business Items.

Discussion followed. Mayor Phillips noted that current New Business Item D brings up the issue of an additional 14(c)(3) reconveyance for expansion of the small boat harbor, which should be discussed before Resolution #97-61, which will finalize all 14(c)(3) conveyances.

vote Roll call vote. Motion carried, 6-Yes, 1-No (Phillips)

Item A: Resolution #97-61, Acknowledging that the Bethel Native Corporation has fully satisfied its ANCSA 14(C)(3) obligation to the City Of Bethel (Notti)

motion M/M by Notti, 2nd by Rodgers to adopt Resolution #97-61.

Discussion followed. Council had several questions, which were answered by Wally Richardson, BNC Board member, Mike Shantz, BNC Chairman, Sharon McClintock, McClintock Land Associates, consultants to BNC, John Malone, City of Bethel Planning Manager, Glen Watson, BNC Land Chairman, and Marc Stemp, BNC President and CEO.

vote Roll call vote. Motion carried, 6-Yes, 1-No (Williams)

Item B: City Manager recruitment (Williams)

Council discussed the process for recruiting and hiring a new City Manager.

motion M/M by O'Brien, 2nd by Anvil to direct the City Clerk to begin placing job ads for a 30-day window in the following publications: ICMA newsletter, Jobs Available, Anchorage Daily News, AML newsletter, and Tundra Drums.

Discussion followed. Council member Williams stated that he would like a new City Manager on the job by the end of February. City Manager Weaver noted that due to the holidays, a 30-day application window will not be long enough.

vote Voice vote. Motion carried, unanimously.

Item C: Discussion - Road Use Tax - Sticker System (Rodgers)

After reviewing a memo in the packet from City Attorney Lee Sharp, Council expressed interest in pursuing Option #4 as outlined in the memo, and directed the City Clerk to obtain the following information from the attorney:

- a) Could the City legally dedicate sticker fees to road maintenance or dust control?
- b) Could the City impose a flat fee, instead of using the State's table of fees?
- c) Would a sticker fee apply to river taxis, and if so, could it be waived or delayed?

motion M/M by Notti, 2nd by Rodgers to suspend the rules of procedure, and continue the meeting past 10:00 p.m.

vote Voice vote. Motion carried, 5-Yes, 2-No (Notti, Rodgers)

Item D: Resolution #97-59, Application for a Facility Equipment Grant from the Alaska Mental Health Trust Authority (Weaver)

motion M/M by Williams, 2nd by Rodgers to adopt Resolution #97-59.

vote Voice vote. Motion carried, unanimously.

Item E: Discussion, Additional 14(c)(3) selection for small boat harbor expansion (Weaver)

Mayor Phillips noted that since the Council had adopted Resolution #97-61, the City could no longer make 14(c)(3) land selections. City Manager Weaver stated that the City will need to expand the small boat harbor in the future, and asked for a recommendation or direction from Council about negotiating with BNC for the land. Discussion followed. No official action or direction was taken.

Item F: Resolution #97-60, Application for a Facility Capital Grant from the Alaska Mental Health Trust Authority (Weaver)

motion M/M by O'Brien, 2nd by Rodgers to adopt Resolution #97-60.

vote Voice vote. Motion carried, unanimously.

XII. EXECUTIVE SESSION - none scheduled

XIII. COUNCIL MEMBER COMMENTS

Anvil - Noted that additional street lights are need in the new AVCP subdivision near the cemetery. The City needs to do something about the snowmachines that speed down Schwalbe street.

Notti - Wished the Council a Merry Christmas, and announced his candidacy for the Alaska House of Representatives.

O'Brien - Reminded Council that the Ivory Man, a traveling ivory salesman who does not have a Bethel business license, will be in town soon. Wished the Council a Merry Christmas.

Phillips - Thanked Council member Sanchez-Pobrislo for her questions on the BNC resolution. Noted that the City and BNC need to work together on future issues. Wished the Council a Merry Christmas.

Rodgers - Thanked Dave Trantham for his comments at the meeting. Wished the Council a Merry Christmas.

Sanchez-Pobrislo - Congratulated the BRHS Girl's Volleyball team, going to the State championship. Also recognized Cynthia Brinich-Langlois for her attendance at the National 4H meeting in Nashville. Wished the Council a Merry Christmas.

Williams - Congratulated Council member O'Brien on being re-elected to the AML board of directors. Wished the Council a Merry Christmas.

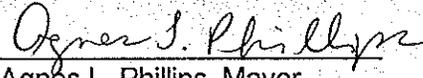
XIV. ADJOURNMENT

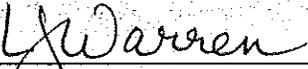
motion M/M by Notti, 2nd by Rodgers to adjourn the meeting at 10:30 p.m.

vote Voice vote. Motion carried, unanimously.

PASSED AND APPROVED THIS 30TH DAY OF DECEMBER, 1997.

ATTEST:


Agnes L. Phillips, Mayor


L.J. Warren, City Clerk