City of Bethel
City Council

Regular Meeting of March 28, 1995

I. CALL TO ORDER

The meeting was convened at 7:30 PM by Mayor Wintersteen in the Log Cabin, Bethel, Alaska.

II. ROLL CALL

Present: Chris, Harding, Miller, Tubbs, Twitchell, Wintersteen

Absent: McComas (excused)

III. PEOPLE TO BE HEARD

Mike O'Brien, Chair of the Public Works Committee, addressed the Council regarding the barrels of asphalt. Mr. O'Brien stated that the City Manager's letter to the Corps of Engineers contained misinformation about the intent of the City regarding the storage of the asphalt. Mr. O'Brien stated that the City does not have a permit to dispose of the asphalt, and should look at the asphalt for future use. Mr. O'Brien further stated that other contractors had bid on the material and the City's chances for obtaining the asphalt were decreasing. Discussion followed regarding the status of the asphalt and the possible uses.

Doreen O'Brien, Bethel, also addressed the Council regarding the asphalt. Mrs. O'Brien referred to correspondence from the City that made the City seem greedy and angry. Mrs. O'Brien stated she hoped it was not too late to rectify the mistake and obtain the asphalt. Mrs. O'Brien also stated that she understood there was a way that the City could use the asphalt, and a bidding war was underway with the contractors.

Bob Carlson, DEC, addressed the Council regarding the recent meeting of the Corps of Engineers at which bids for the asphalt were reviewed and a progress report on the recovery of the asphalt was given. The Corps representative in Bethel reported that 500-600 of the drums had been contained. Mr. Carlson stated that the Corps decided to complete the recovery process and then start the bidding process again for the removal of the barrels. Mr. Carlson estimated that the bids would be opened by June 1, 1995, and that the Corps was hoping to receive bids with little or no contingencies.

Mayor Wintersteen suggested the City Manager be directed to request the RFP from the

Corps of Engineers and gather the necessary information to report back to Council at the next meeting.

IV. APPROVAL OF MINUTES

motion M/M by Miller, 2nd by Tubbs to approve the minutes of the March 14, 1995, regular meeting as presented. Voice vote. Motion carried unanimously.

IV. APPROVAL OF CONSENT AGENDA/REGULAR AGENDA

Councilmember Miller and Mayor Wintersteen requested New Business Items A, B and E be removed from the Consent Agenda.

motion M/M by Miller, 2nd by Tubbs to approve by consent, Items C, D and F under New Business. Voice vote. Motion carried unanimously.

motion M/M by Miller, 2nd by Chris to amend the agenda by adding New Business Item G. Voice vote. Motion carried unanimously.

motion M/M by Miller, 2nd by Chris to approve the agenda as amended. Voice vote. Motion carried unanimously.

V. MAYOR'S REPORT

Mayor Wintersteen declared Peter Twitchell's Council seat vacant per the Bethel Municipal Code 2.04.090(C)(3) which states "A council member's seat is defined as vacant and may be filled by the procedure set out in this section if:...The council member has attended less than six of the council meetings during a continuous period of five months." Mayor Wintersteen stated that Mr. Twitchell had attended five meetings in the five month period ending March 25, 1995, and the Bethel Municipal Code requires the Mayor to declare the seat vacant.

Council member Twitchell asked for the Council to vote on the Mayor's decision. Mr. Twitchell went on to discuss the reasons for his absences and questioned the noticing of the special meetings, claiming he received no notice for those meetings. Mr. Twitchell also stated a person who missed meetings because of attending alcohol treatment should not be persecuted.

Mayor Wintersteen responded that the ordinance does not differentiate between excused and unexcused absences in applying the statute.

motion M/M by Miller to challenge the Mayor's decision (no second)

Mayor Wintersteen also pointed out that Mr. Twitchell's absences from the special meetings mentioned were not a penalty, but would have helped in meeting the six meeting requirements.

Mr. Twitchell thanked the Council and left the meeting.

Mayor Wintersteen then discussed the method for filling the vacancy. Mayor Wintersteen asked anyone interested to apply to the Mayor in writing no later than 5:00 p.m., April 7, 1995. The name the Mayor selects will be submitted to the Council for its approval at the April 11, 1995, regular Council meeting. Mayor Wintersteen also stated that Mr. Twitchell could reapply for the seat if he so desired.

Council member thanked Mr. Twitchell for his service.

Mayor Wintersteen then read the proclamation for Camai Dance Festival Appreciation Week, March 27-April 2, 1995.

motion M/M by Miller, 2nd by Harding to ratify the Camai Dance Festival Appreciation Week proclamation. Voice vote. Motion carried unanimously.

Mayor Wintersteen then read the proclamation for National Library Week April 9-15, 1995.

motion M/M by Miller, 2nd by Chris to ratify the National Library Week proclamation. Voice vote. Motion carries unanimously.

Mayor Wintersteen then read the proclamation for National Telecommunicators Week April 9-15, 1995.

motion M/M by Miller, 2nd by Harding to ratify the National Telecommunicators Week proclamation, and to identify the City's telecommunicators. Voice vote. Motion carried unanimously.

Police Chief Chris Liu identified the City's Communications Officers as Patty Waters, Wendy Criswell, Gary Haines, Richard Kammeyer, and Tracy Nelson.

Mayor Wintersteen then reviewed his activities of the previous week, and asked for Council members interested in attending the training offered by DCRA. Council member Harding and Mayor Wintersteen indicated possible attendance on April 12 and 13, with Council member Miller requesting partial attendance on the 13th.

Discussion then followed regarding the procedure for screening the City Manager candidates. Council member Miller advocated inviting the public to participate in portions of the selection process. Mayor Wintersteen stated that the Council needed to look at the entire process and develop the necessary criteria and questions prior to screening any applications. A work session was scheduled for April 4, 1995, at 7:00 p.m. at the City Offices Conference Room to develop the criteria and questions for screening the candidates.

VII. MANAGER'S REPORT

Acting City Manager Bonnie Duke reviewed the City Manager's written report with Council and requested direction on the following items:

1. OSHA Violations RFP

Acting Manager Duke reviewed the request to issue an RFP to correct the remaining OSHA violations using unexpended FY95 funds from all departments, and carrying over to the FY96 budget.

motion M/M by Chris, 2nd by Tubbs to issue an RFP to correct the remaining OSHA violations. Voice vote. Motion carried unanimously.

Informational Items/Discussion/Questions on City Manager's Report:

Council member Tubbs asked about the hours of the landfill. Acting Manager Duke referred him to the memo in the report listing the revised hours.

Council member Miller asked if the City's support of the Camai Festival was underway. Police Chief Liu reported that the Police staff was directed to patrol the area.

Council member Miller requested to review the budgets submitted to the City Manager by the department heads to compare with the City Manager's submitted budget. Mr. Miller also questioned reports of replacing Port Attendants with Police Officers. Acting Manager Duke responded that this was a suggestion of the City Manager for a more creative way to fund a police officer position whose primary responsibility would be to patrol the port facilities.

Council member Miller also asked for the status on the Planning Manager position. Mayor Wintersteen responded that he understood the City had received one application. Mr. Miller suggested the City send announcements to graduate schools.

Council member Miller suggested the City provide for employees to donate money to the

library through a payroll deduction. Mayor Wintersteen suggested could be construed as arm-twisting, and added that any citizen could donate to the library.

Council broke at 9:00 p.m. for a short recess. At 9:15 p.m., Mayor Wintersteen called the meeting back to order.

VIII. REPORTS OF STANDING COMMITTEES

Scheduled dates for upcoming Committee/Commission meetings were announced.

Council member Harding reported the Youth Services Committee had not met due to difficulties in gathering a quorum.

Council member Chris reported the Port Commission met March 27, 1995, but she was unable to attend. Mrs. Chris did report that Chief Liu had presented the idea of combining Police and Port resources to patrol the port facilities. Mrs. Chris also reported the Port Commission approved the D&G lease of a warehouse and investigating installing an electrical line across the mouth of the small boat harbor to reach a house on the opposite side.

Council member Tubbs reported the Finance Committee's regular meeting was canceled, and that he would be out of town to report on the next regular meeting so that the Finance Director would report on that meeting.

Council member Miller requested the Public Works Committee Chair, Mike O'Brien report on that meeting. Mr. O'Brien reported that the committee's main goal was reviewing Title 13 to work on water and sewer rates. Mr. O'Brien estimated the committee would complete its review in four to five months. Mr. Miller added that he intended to see that the revenues from the new lease for the Laundromat continue to fund the Public Works Enterprise fund.

Mayor Wintersteen reported the Senior Services Committee had not met.

IX. OLD BUSINESS

ITEM A: Public Hearing--Ordinance #95-07: An Ordinance Amending Title 17, Subdivisions, Section 17.24.200 Entitled Recreational Dedication

Mayor Wintersteen explained this ordinance pertained to the open space requirement for subdivisions, and reviewed the proposed changes to the ordinance. Mayor Wintersteen then opened the Public Hearing. There being no one who wished to speak, Mayor Wintersteen

closed the Public Hearing.

motion M/M by Chris, 2nd by Tubbs to adopt Ordinance #95-07 with suggested amendments.

Council member Miller spoke in opposition to the ordinance, stating the ordinance would be too restrictive to development.

vote Poll vote on the motion. Motion carried, 4-Yes (Chris, Harding, Tubbs, Wintersteen), 1-No (Miller).

ITEM B: Project Report

Mayor Wintersteen referred Council to the Capital Projects report and the project report on previously assigned projects.

motion M/M by Miller to require the City Manager provide a report on what is a rock crusher, how it can be used, how much a used rock crusher costs and whether the City could obtain the Capital Matching Grant funds to help pay for one (no second).

Mayor Wintersteen requested Mr. Miller's motion be converted into direction to the City Manager. There was no objection.

Council member Chris requested further information on the status of warning lights by Kilbuck school.

X. NEW BUSINESS

ITEM A: Resolution #95-18: A Resolution Supporting Public Broadcasting and KYUK TV/Radio

Council member Miller read Resolution #95-18.

motion M/M by Miller, 2nd by Tubbs to approve Resolution #95-18. Voice vote. Motion carried unanimously.

ITEM B: Resolution #95-19: A Resolution Supporting Recommendations Regarding a Regional Nursing Home

Council member Miller invited Council member Chris to co-sponsor this resolution and

explained the resolution supports recommendations made for a regional nursing home and elder care. Mr. Miller also spoke in support of the Betty Guy Memorial Fund to build a nursing home in Bethel. Mr. Miller urged the City to take the lead in coordinating the various agencies in Bethel to initiate an elder care program.

motion M/M by Chris, 2nd by Harding to approve Resolution #95-19. Voice vote. Motion carried unanimously.

ITEM C: Resolution #95-20: A Resolution Authorizing Application for the FY96 Anti-Drug Abuse Grant--Multi-Jurisdictional Task Force

Approved under Consent Agenda

ITEM D: Resolution #95-21: A Resolution Authorizing Application for FY96 Coastal Management Grant Program

Approved under Consent Agenda

ITEM E: Resolution #95-22: A Resolution Supporting the Bethel Family Clinic in its Efforts to Improve its Service to the Community

Mayor Wintersteen explained the Bethel Family Clinic was looking for input from the community on ways to improve its services, and he thought the Clinic deserved support from the Council in its efforts.

motion M/M by Miller, 2nd by Tubbs to approve Resolution #95-22. Voice vote. Motion carried unanimously.

ITEM F: Gaming Permit Applications--Ducks Unlimited and Mat-Su Democrats

Approved under Consent Agenda

ITEM G: Resolution #95-23: A Resolution Supporting the Lower Kuskokwim Economic Development Council

Council member Miller explained this resolution was an attempt to recoup money threatened by the Legislature.

motion M/M by Tubbs, 2nd by Chris to approve Resolution #95-23. Voice vote. Motion carried unanimously.

XI. COUNCIL MEMBER COMMENTS

Council member Miller invited the public to submit names for the new Receiving Home building. Mr. Miller also added that the Governor would be attending lunch at the Receiving Home. Mr. Miller stated he respected the way the Mayor handled the vacant council seat situation and encouraged Mr. Twitchell to apply for the seat.

XII. EXECUTIVE SESSION

There was no Executive Session item.

XIII. ADJOURNMENT

motion M/M by Chris, 2nd by Tubbs to adjourn the meeting at 9:55 p.m.. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 11TH DAY OF APRIL, 1995.

Allan Wintersteen

Allan Wintersteen, Mayor

ATTEST:

Connie Tucker

Connie Tucker, City Clerk