

# CITY OF BETHEL

P.O. Box 388 • Bethel, Alaska 99559

543-2297—Area Code 907

CITY COUNCIL MINUTES  
APRIL 27, 1981 7:30 P.M.  
COUNCIL CHAMBERS

## MEETING TO ORDER

The meeting was called to order by Mayor Guinn at 7:40 p.m.

## ROLL CALL

Present: Charles, Twitchell, Elliott, B. Hoffman, Carpenter, E. Hoffman and Guinn.

## APPROVAL OF MINUTES

M/M by Charles/2nd Twitchell to approve the minutes of April 13, 1981, as presented. Voice vote was taken and motion carried.

## APPROVAL OF AGENDA

E. Hoffman requested 2 Resolutions regarding the Bethel Seawall and Village Phones be added to the agenda for Council's support under New Business as:

### Item D. AVCP Resolutions

Manager Hoffman requested the following items be added to the agenda under New Business as:

### Item E. Parks and Recreation Resolution

### Item F. Multi-Purpose Sportspad

## Motion

M/M by E. Hoffman/2nd Elliott to approve the agenda as amended. Voice vote was taken and motion carried.

## MANAGERS REPORT

Manager Hoffman gave a report on the following items:

- (1) The City of Bethel received a State of Alaska grant award for \$150,000, for the construction of the broadwalk/bike path to the Bethel Airport. We are considering the possibility of constructing it out of sand so that it will also be functional as an emergency parking shoulder. The concept has been present to the State and we have not received a response to date.
- (2) We also have received a contract award of \$500,000, for the Bethel Small Boat Harbor and the survey will take place this summer with the start of construction next season.
- (3) This week, we should see the City Public Works Dept. start hauling sand to portion of lots that are presently being negotiated to be transferred to the City of Bethel.
- (4) The old section at the city dump has been completely covered with dirt and the fence has been installed. Most of the garbage between the school and the dump has been collected by Public Works and the inmates from the City Jail.

- (5) Regarding the Community Liquor Sales Tax Suit for 1972-74 in the amount of \$100,000, plus interest and penalty, our Legal Council in Denver has informed us that the U.S. District Council is willing to drop the taxes and penalties for last year. This would bring the City tax to \$45,000, plus \$30,000, on interest to a total of \$75,000.

#### MAYORS REPORT

Mayor Guinn gave a brief report on the beginning of the Mayors Conference starting today. He stated there was 2 more days of meeting and so far, there was excellent input from the Mayors on the needs and goals of smaller communities. The public was welcome to attend the meetings but they would not have any voting power.

#### PEOPLE TO BE HEARD 21 Acre Park

Beverly Hoffman questioned if any bathrooms would be installed in the 21 Acre Park.

Manager Hoffman reported there were plans to install 2 facilities alongside the bike path by July.

#### UNFINISHED BUSINESS

Item A. Public Hearing on the land lease of the South Portion of the East Section of USS1002 for Freezer Facility

Mayor Guinn opened the public hearing at 7:50 p.m.

Manager Hoffman introduced the hearing and described the South portion of the lot being considered to built a freezer facility. As advertised, the maximum length of the lease would be 40 years at a minimum rate of .10¢ per square foot per year.

Terry Yager gave a letter of bid to Mayor Guinn who read it to the Council. It stated they accepted the lease as written with an effective date of April 28, 1981 with the following changes or additions:

- (1) The lease will be paid annually, due in advance, for each year;
- (2) That Bethel Day Care Center and Tundra Women's Coalition buildings be moved by May 1, 1983. This is necessary to conform to State Fire Codes.

After reading the memo received from City Planner Stigall regarding the issue, Manager Hoffman asked Mr. Yager if Bethel Day Care Center and T.W.C. had responded to his request.

Mr. Yager answered yes and read the letters received from both parties stating they had no objections to his proposals.

Manager Hoffman reported there was considerable discussion within the community on the restriction of the property as a use for recreation. The Administration had reviewed the ownership transfer in 1970 from then Northern Commercial Company to the City of Bethel. Prior to that, City had

leased the property for the purpose of recreation but since the transfer, there have been no restrictions on the use of the property. There are no documented restrictions either on the Council minutes or N.C. Co. minutes. He reported the Parks and Recreation had submitted a resolution on the issue which the Administration could support but it is on the agenda to be discussed tonite.

Carpenter questioned if the idea of the utilization of the roadway was involved.

Manager Hoffman stated at the Council worksession, a concept was presented on vacating First Avenue and moving the building closer to the road but it was felt that shouldn't be discussed at this time since the road is maintained by the State and vacating it would take some time.

Carpenter requested the length of the lease and amount be discussed.

Manager Hoffman reported at the introduction of the intended lease, Council had discussed and passed a motion accepting no bid lower than the minimum of .10¢ per square foot and no longer than the maximum length of 40 years. At their direction, this was advertised.

Richard Goldstien questioned what the .10¢ per square foot was based upon.

Manager Hoffman responded the value of the total lot, USS1002, was evaluated around \$220,000. The portion being considered was vauald at approximately \$110,000, and in a 12 year period, the funds would be attained and still retain ownership if it was to be bought outright.

Beverly Hoffman reported the Parks and Recreation Committee had discussed the proposed rate but they felt it should be increased to about .75¢ per square foot. They, also, requested the revenues received be earmarked for parks and recreation.

Manager Hoffman responded the .75¢ per square foot was not a leasing price but an ownership rate.

Discussion on the item.

Mr. Yager commented in submitting the bid, Elm Corporation had adhered to the rules and guidelines set by the Council and City Administration. He stated they didn't have any idea the rate was an area of controversy or it would have been discussed at their work sessions.

Discussion on the item.

Manager Hoffman reported Elm Fisheries had obligated an additional \$1,500, til 1986 and an employee working in Quinhagak had deeded his lot back to the City for recreational purposes. He stated there was considerable investments in that property considering the residential lots selling for .85¢ per square foot.

Carpenter questioned what the purpose was on the length of the lease.

Manager Hoffman stated it was a requirement for financial purposes.

Mr. Yager reported an additional 10 years was required beyond the length of a loan.

Discussion on the amount of the lease and the ratio percentages to be paid to the City by Elm Corporation each year. There was some confusion on the wording in Item C, #2 regarding the yearly payments.

RECESS

Council recessed at 8:50 p.m. to call the City Attorney for clarification on the payment wording.

BACK TO ORDER

Mayor Guinn called the meeting to order at 9:05 p.m.

Manager Hoffman read Item C, (2) revised as follows:

"Promptly at the end of the third year lease and of each lease year, thereafter, the annual rental shall be adjusted so that the ratio of the price index for the first month following the end of each such lease year is to be the adjusted rental and shall be the same as the ratio of the base price index to the minimum rental."

Richard Goldsten questioned if the problem on the conflict of interest was brought before the City Attorney since B. Hoffman and E. Hoffman are on the B.N.C. Board and 3 others are the shareholders.

Manager Hoffman stated the Legal Council opinion was that both B. Hoffman and E. Hoffman would have to abstain from the vote for reasons that they are making policies for the Corporation. The 3 shareholders can vote because they are not in position to draft policies.

Beverly Hoffman questioned if Elm Corporation would be willing to raise the lease cost to .13 ¢ or .15¢ per square foot.

Mr. Yager stated if it was the Council's desire, to approve the lease as presented with the amendments on the lease cost and he would hold an emergency meeting with his Board

to ratify the action. If the Board does not approve the amendment, nothing would be done.

Wally Richardson questioned counting the \$6,700, and \$1,500, what the square foot total cost was.

Manager Hoffman answered it was .12¢ per square foot.

Discussion on the item.

Twitchell asked Mr. Yager if Elm Corporation could make a committment to donate \$1,500 a year to the City for recreational equipment.

Mr. Yager responded a verbal agreement had been made with the Parks and Recreation Director and a letter had been drafted to support the agreement on the issue.

Discussion on the item.

Mayor Guinn closed the public hearing at 10:05 p.m.

Motion to pass 10 p.m. M/M by E. Hoffman/2nd Elliott to pass 10 p.m. Voice vote was taken and motion carried.

Motion M/M Carpenter/2nd Elliott the Council accept and approve the 40 year lease to Elm Fisheries with the lease cost amended from .10¢ to .12¢ per square foot per year with an effective date of April 28, 1981. Poll vote was taken. Yeas: Charles, Elliott, Carpenter and Guinn. Nays: Twitchell. Abstained: B. Hoffman and E. Hoffman. Motion carried.

RECESS

Council took a break at 10:15 p.m.

BACK TO ORDER

Mayor Guinn called the meeting to order at 10:25 p.m. and opened the public hearing.

UNFINISHED BUSINESS

Item A. Public Hearing on the Land Lease of a part of the North portion of the East Section of USS1002 for Warehouse and Parking

Manager Hoffman reported at the work session held on Friday, Frank Foster of Swanson had felt the need for a warehouse wasn't as key to the problems of a need for a parking lot and the road in front of the store. At that time Public Safety and Transportation Committee had recommended the Council consider some of the problems by building a one-way street and a parking lot in that area. He stated there were considerations in requesting Planning Commission to plat the road and widening it since it isn't shown in any of the existing plats. Manager Hoffman read the letter received from Mr. Foster stating they were willing to pay \$15,000, upon completion of the proposed plan to deter some project costs. He recommended the concept derived at the work session be referred to Public Safety and Transportation and Planning Commission

to plat the road and the parking lot with recommendations at the next Council meeting. No motion was required but a referral from the Council.

Mayor Guinn closed the public hearing at 10:36 p.m.

Referral

Mayor Guinn referred the proposals to the Planning Commission and Public Safety and Transportation Committee for recommendations to the Council at the next Council meeting in May. No objections from the Council.

Item C. Public Hearing on the Modification of Chapter 13.04 of the Bethel Code of Ordinance on Dog Control to include Section 115, on Emergency Dog Control

Mayor Guinn opened the public hearing at 10:38 p.m.

Manager Hoffman reported the Animal Control Agent had requested the Dog Control Ordinance be modified to include an emergency section on the shooting of dogs. This would authorize the Police Chief to institute an emergency instead of the Council passing such an Ordinance every 60 days. The Police Chief would be required to announce the institution 7 days before to receive public response.

Mayor Guinn read the modification to the Council and public.

Discussion on the item.

Mayor Guinn closed the public hearing at 10:45 p.m.

Motion

M/M by Charles/2nd B. Hoffman to accept and approve the the reading of Ordinance as presented. Poll vote was taken. Yeas: Charles, Twitchell, Elliott, B. Hoffman, Carpenter and Guinn. Nays: E. Hoffman. Motion carried.

Item D. Public Hearing on the modification of the Vehicle for Hire Ordinance to allow for transportation by Bus

Mayor Guinn opened the public hearing at 10:48 p.m.

Manager Hoffman introduced the modification and stated the language was basically the same but with the following changes:

MODIFICATION # 3

- (1) Addition of the work "bus(es)" in areas that state "Taxicab and Limousines";
- (2) Under Section 6.04.200 (c), the language is slightly different than the language for taxicabs and limousines and the 4 requirements are closely related to the taxicab and limousine general regulations.

Manager Hoffman, also, reported Clark Miller had suggested under 6.04.110, the insurance requirements be set by the number of seats in a bus instead of by the number of passengers. In a single accident, the coverage would be \$100,000, with total accumulation of \$300,000. He requested the insurance be set as suggested.

Clark Miller stated the bus rates weren't included in the modification.

Manager Hoffman suggested since the taxicab and limousine rates were set by an Ordinance, the bus rates be set the same way, advertise and hold a public hearing for public response.

Fay Short questioned if there were any provisions in including the operation schedule so the cab companies could be informed when the bus wouldn't be operating.

Rosie Porter stated, to be fair, the taxicab schedules should be included too.

Discussion on the item.

Mayor closed the public hearing at 11 p.m.

M/M by B. Hoffman/2nd Elliott to accept and approve Ordinance #127, AN ORDINANCE OF THE CITY OF BETHEL, ALASKA, PROVIDING FOR THE MODIFICATION OF THE VEHICLE FOR HIRE ORDINANCE TO INCLUDE PROVISIONS FOR THE OPERATION OF BUSES with the amendments; the rates be set by an Ordinance and the schedules by a Resolution. Poll vote was taken. Yeas: Charles, Twitchell, B. Hoffman, Carpenter, E. Hoffman and Guinn. Nays: Elliott. Motion carried.

#### NEW BUSINESS

Item A. First Class City Status Study for the City of Bethel

Manager Hoffman reported in 1978, a reclassification study was conducted but the report submitted in 1979, wasn't approved by the Council. The reason was, in order to maintain the educational costs, additional funds in the amount of 3.4 million was needed but since the study, there have been several changes. The Legislature is now considering a full funding of school operations, which mean, in the future, the City would not have responsibility in supporting the school financially. At the present time, the student enrollment at L.K.S.D. is 51% and their school budget has increased approximately 3 million dollars over the last 3 years. He reported some of the Council Members, City Administration and interested people from the public had proposed a reclassification study be conducted. They are requesting \$50,000, to fund the feasibility study and a formation of a Task Force Committee to monitor the progress of any firm selected to conduct the study.

Mayor Guinn reported a meeting had been held and had selected the following people to be on the Task Force Committee:

John Guinn - Council  
Lyman Hoffman - City Administration  
Alice Wardlow - Community School Board  
Gene Dodd - LKSD Administration

John Shuler - LKSD School Board  
Rosie Porter - Planning Commission  
Diane Carpenter - Finance Committee

Discussion on the item.

Motion M/M by Elliott/2nd E. Hoffman to accept the appointment of the Task Force Committee and the requested expenditure. Poll vote was taken. Yeas: Charles, Twitchell, Elliott, B. Hoffman, Carpenter, E. Hoffman and Guinn. Nays: None. Motion carried.

Item B. Appointment of Bethel Representatives to the YKHC Board  
Manager Hoffman reported the present seats on the YKHC Board occupied by Pauline Chaney, Helen Collins and himself were up for reappointment. He stated he received a letter from Barbara Knapp interested in being on the Committee. These appointments were to be done by the Council.

Motion M/M by B. Hoffman/2nd Elliott to reappoint Lyman Hoffman, Pauline Chaney and Helen Collins to the YKHC Board with Barbara Knapp as an alternate. Voice vote was taken and motion carried. 1 nay.

Item C. Introduction of Modification #5 of Ordinance #85  
Manager Hoffman introduced the item and suggested it be readvertised for reintroduction and a public hearing be held in June.

Discussion on the item.

Motion M/M by B. Hoffman/2nd E. Hoffman to reintroduce Modification #5 of Ordinance #85, A MODIFICATION OF WATER, SEWER AND GRABAGE RATES ORDINANCE TO INCLUDE LATE CHARGES, as presented. Poll vote was taken. Yeas: Charles, Twitchell, Elliott, B. Hoffman, Carpenter and E. Hoffman. Nays: Guinn. Motion carried.

Item D. AVCP Resolution  
E. Hoffman read 2 AVCP Resolutions regarding the Bethel Seawall Project and Residential phone for the surrounding villages which were passed and approved by the AVCP Board.

Manager Hoffman, on behalf of the Council, thanked AVCP for their support on the Bethel Seawall Project, which was a very difficult project.

Motion M/M by Elliott/2nd Twitchcell to endorse the AVCP resolutions presented by E. Hoffman. Voice vote was taken and motion carried.

Item E. Parks and Recreation Resolution  
Mayor Guinn read Resolution #330, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BETHEL, ALASKA, DIRECTING THE CITY COUNCIL TO PLACE RECREATION AS A PRIORITY, to Council.

Dicussion on the item.

Motion

M/M by E. Hoffman/2nd Elliott to accept the reading of Resolution #330, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BETHEL, ALASKA, DIRECTING THE CITY COUNCIL TO PLACE RECREATION AS A PRIORITY with an amendment deleting Item J. Poll vote was taken. Yeas: Charles, Twitchell, Elliott, B. Hoffman, Carpenter, E. Hoffman and Guinn. Nays: None. Motion carried.

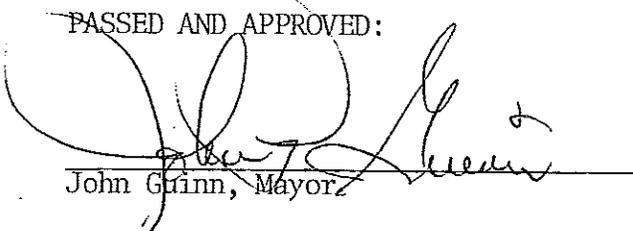
Item F. Multi-Purpose Sportspad

M/M by E. Hoffman/2nd Elliott to accept and approve the presentation of the Multi-purpose Sportspad and to expediate it as soon as possible. Poll vote was taken. Yeas: Charles, Twitchell, Elliott, B. Hoffman, Carpenter, E. Hoffman and Guinn. Nays: None. Motion carried.

ADJOURNMENT

M/M By Charles/2nd Elliott to adjourn the meeting. Voice vote was taken and motion carried. Meeting adjourned at 11 p.m.

PASSED AND APPROVED:

  
John Guinn, Mayor

ATTEST:

  
Elsie Jennings, City Clerk

DATE: 5/13/81