
City of Bethel, Alaska

City Council Minutes

June 26, 2001

Regular Meeting

Bethel, Alaska

CALL TO ORDER

A regular meeting of the Bethel City Council was held on June 26, 2001, at 6:30 p.m. in the council chambers, Bethel, Alaska.

Mayor Rodgers called the meeting to order at 6:34 p.m.

ROLL CALL

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

Jerry Drake	Stanley "Tundy" Rodgers
Thor Williams	Agnes Phillips
Carl Berger	Dario Notti— <i>arrived at 7:35</i>

Also in attendance were the following:

Robert Herron, City Manager
Colleen Soberay, City Clerk

PEOPLE TO BE HEARD

Brad Kehoe — Spoke to council in regard to the new post office that is under construction. He said he has started thinking about the impact it will have on the City. He said public transportation will be a problem, as most people currently are able to walk to the post office and stores or take one cab ride to take care of their postal needs and shopping. He explained that with the new post office being built away from the center of town, the City should consider implementing a public transportation system. Mr. Kehoe gave examples of transit bus systems and offered information on a grant source. He urged council to consider implementing a public transportation system.

APPROVAL OF MINUTES

MOVED BY:	Berger	To approve the minutes of the June 12 regular meeting
SECONDED BY:	Drake	

**Corrections noted by city clerk*

VOTE ON MOTION	Motion carried by unanimous voice vote.
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APPROVAL OF AGENDA

MOVED BY:	Drake	To approve the consent agenda and regular agenda
SECONDED BY:	Phillips	

Consent agenda items: Ordinance #01-26—introduced and set for public hearing July 10, 2001;
Resolution #01-20; 01-21; 01-22

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

The Mayor's Report included the following:

- Press Release from the Government Finance Officers Association — *Re:* City of Bethel received the GFOA's Distinguished Budget Presentation Award for its FY01 budget. This award is the highest form of recognition in governmental budgeting and represents a significant achievement by the City of Bethel.
- Letter from Penny Olanna — *Re:* Recommendation for alternative to paper and plastic shopping bags in response to the plastic bag ordinance
- Letter from the Department of the Army — *Re:* Feasibility of a bank stabilization project in Bethel
- Press Release for Office of the Governor — *Re:* Commission on tolerance to hold first organizational meeting—The Commission is charged with listening to Alaskans about all forms of discrimination and making recommendations
- E-mail from Bradley Kehoe — *Re:* Public transportation grant information

Council member Berger reiterated Mr. Kehoe's points. He said it is important for the City to research establishing a public transportation system. Council member Williams asked if anyone knows if Barrow's system is subsidized. City manager Herron recommended Council direct administration to research this issue. Council so directed. Council member Williams recommended the City keep Mr. Kehoe involved in this issue. Council encouraged Mr. Kehoe to become a member of the Public Safety and Transportation Commission.

- Letter from YKHC — *Re:* Grand opening of the McCann Residential Treatment Center in Bethel (inhalant treatment facility) and invitation to attend
- Governor's Talking Points for the week of June 11 and 18, 2001

MAYOR'S APPOINTMENTS

MOVED BY:	Drake	To appoint Richard Yager to the Port Commission
SECONDED BY:	Williams	
VOTE ON MOTION	Motion carried by unanimous voice vote.	

MANAGEMENT TEAM'S REPORT

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

- Parks and Recreation preparing for 4th of July festivities

Council member Drake asked Manager Herron to respond to DOT's letter in regard to Determination of a Safe Speed Zone. Manager Herron explained that, after receiving Council's resolution requesting participation in a Determination of a Safe Speed Zone, the DOT has proposed implementing a 20-mile per hour speed zone in a 750-foot stretch of State Highway in the YKHC/hospital area. He explained DOT requires the City advertise for a public meeting for a Determination of a Safe Speed Zone and requires that the City commit to enforce the speed zone. Manager Herron said administration

recommends only reducing the speed by 10-miles per hour and that the police department has committed to enforce a lower speed limit. He also explained a meeting for Determination of a Safe Speed Zone has been set for July 24 at 12 p.m. and at the regular council meeting at 6:30 p.m. and public is encouraged to participate. Discussion briefly ensued.

REPORTS OF STANDING COMMITTEES

Senior Advisory Board

Council member Berger said the SAB has not met, but will meet towards the end of the summer.

Parks and Recreation Committee

Council member Pobrislo was not present.

Planning Commission

Council member Notti was not present.

Port Commission

Mayor Rodgers said the commission met June 18 to have a work session on Ordinance #01-18. He said the commission has scheduled another work session on Ordinance #01-18 for July 16 and hopes to bring the ordinance back to council at the July 24 council meeting.

Public Works Committee

Council member Drake said the committee met June 19, but the meeting was cancelled because of the fire at the new post office.

Public Safety and Transportation Commission

Council member Williams said the commission hasn't met since the last council meeting, but is scheduled to meet at the end of July.

Finance Committee

Council member Phillips said the committee is scheduled to meet Thursday, June 28.

UNFINISHED BUSINESS

MOVED BY:	Drake	To suspend the rules and move unfinished business item E up on the agenda
SECONDED BY:	Phillips	

VOTE ON MOTION	Motion carried by a unanimous voice vote
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Item E — Insurance proposals by AML/JIA and APEI

Manager Herron introduced the two insurance companies, AML/JIA and APEI, to Council. Manager Herron explained the City's insurance is up for renewal. He said because he has been on the APEI Board of Directors since 1993 and is currently the Chair of the Board of Directors for APEI; he has deferred the decision of which insurance company to employ to Council.

John Haywood, Executive Director of APEI, reviewed a packet of information given to Council. He briefly reviewed the history of the company and qualifications of APEI staff such as claims adjusting team and account team. He said it's important to look at the track record of a company. He reviewed APEI's track record with Council. Mr. Haywood also explained the account program and introduced Doug Brown, Broker for APEI. He further explained accessibility vs. non-accessibility in that APEI is

the only non-assessable pool operating in Alaska and has no retroactive premium assessments. Mr. Haywood noted that APEI has provided quotes for the City of Bethel four times. Mr. Brown reviewed this year's proposal with Council. Presentation ensued.

Eileen Terwilliger, Executive Director AML/JIA, discussed points of difference between the two companies. She said AML/JIA offers something unique. Ms. Terwilliger reviewed the spreadsheet of comparison given to Council. She explained the level of service the City of Bethel has been given by AML/JIA and referred to the finance director, city manager and public works director for a reference. Ms. Terwilliger explained the "pac man" policy to Council in that each loss takes a bite out of a single pot of money, leaving less and less coverage available after each loss vs. full coverage for every claim—each loss is treated separately and has the full policy limits to pay for damages or settlements—that AML/JIA offers. She also compared the financial strengths of the two companies. Ms. Terwilliger reviewed her company's proposal with Council. She also explained the dividend program for members of AML/JIA. Presentation ensued.

Manager Herron asked Council, in fairness, to allow both companies to rebut.

Mr. Haywood accepted time to rebut. He said it's a difficult decision to make and there's a lot of technical information. He said APEI has a lot of municipal clients and last year put a municipal program in place. Mr. Haywood further rebutted that APEI has assets and is financially backed. He explained the City would be getting insurance from Coregis, not from a pool policy. Mr. Haywood asked the City to give APEI consideration.

Ms. Terwilliger had no further comments.

Council member Drake asked if a decision had to be made this same evening. Council member Williams asked for clarification of proposal prices. Council member Berger asked for clarification on the difference in pricing. Manager Herron said the difference is \$45,000. Council briefly discussed and agreed to carry this issue over to Friday, June 29 for final decision.

MOVED BY:	Williams	To continue discussion and make a final decision on an insurance company June 29 at 12 p.m. to allow Council to digest the information and gather any additional information needed to make the decision
SECONDED BY:	Drake	

VOTE ON MOTION	Motion carried by a unanimous voice vote
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Item A — Public Hearing — Ordinance #01-23: Amending Title 13 of the BMC regarding public services relating to city-owned cemeteries

Mayor Rodgers opened the public hearing.

Willy Keppel spoke to this ordinance. He said he attended one of the cemetery meetings and read the ordinance. He said it's time the City step forward to organize the cemeteries. Mr. Keppel said Council should support Ordinance #01-23.

With no one else to speak to this ordinance, Mayor Rodgers closed the public hearing.

MOVED BY:	Drake	To adopt Ordinance #01-23
SECONDED BY:	Williams	

Council member Phillips said she is opposed to charging a fee for the cemetery. The city clerk said the Cemetery *Ad Hoc* Committee agreed a \$15 permit fee and \$200 reservation fee is fair. The city clerk briefly explained the ordinance and the need to provide procedures for city-owned cemeteries. Council asked for clarification on burial lot reservations. The city clerk explained reservations are only a service option and that administrative procedures will be set-up to provide for reservations. The city clerk said this ordinance allows for burial lot reservations and that reservations are only available for families, not businesses. The city clerk also explained the ordinance is not in effect until September 1, 2001, after the City has done the necessary maintenance work on Ptarmigan Memorial Cemetery.

VOTE ON MOTION	Motion carried by a roll-call vote 6-0
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Item B — Public Hearing — Ordinance #01-24: Amending Chapter 8.12 of the BMC relating to prohibiting certain uses of plastic bags

Mayor Rodgers opened the public hearing. With no one to speak to this ordinance, Mayor Rodgers closed the public hearing.

MOVED BY:	Drake	To adopt Ordinance #01-24
SECONDED BY:	Phillips	

Council member Drake explained that he attended a Chamber of Commerce meeting where the group was opposed, like many others, to making it unlawful for the public to use plastic carry-out bags. He said that is why he brought it back with section B struck out. Discussion briefly ensued.

VOTE ON MOTION	Motion carried by a roll-call vote 6-0
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Item C — Public Hearing — Ordinance #01-25: Year-end budget modification

MOVED BY:	Williams	To adopt Ordinance #01-25
SECONDED BY:	Phillips	

Council asked the city manager for clarification on various parts of the budget modification.

VOTE ON MOTION	Motion carried by a unanimous voice vote
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Item D — Status Report by Mayor Rodgers for Port Commission regarding Ordinance #01-18: Amending certain sections of Title 14 Harbors and Ports regarding payment of fees/charges

Mayor Rodgers said the Commission met for a work session on Ordinance #01-18 and said the Commission plans to hold one more work session before sending Ordinance #01-18 before Council. Mayor Rodgers said the next work session is scheduled for July 16 at 7 p.m.

NEW BUSINESS

Item A — PSTC Code of Regulations in regard to the taxicab service rates—Andrew Steele made presentation

Andrew Steele, police department evidence custodian, DMV supervisor and taxi industry technician, presented information to Council in regard to the taxicab rate schedule and why it has returned to Council for action. Mr. Steele explained that at a recent PSTC public hearing regarding the taxi fare structure, the industry indicated it wants the emergency rates to continue for another 100 days. Mr. Steele said he thought it best to check for accountability. He said he has all of the police department's taxi industry records and nowhere can he find any claim by the industry that substantiated the need of a rate increase. Mr. Steele explained the logic behind trying to find out, in some limited form, the industry expenses. He further explained that he recently rode along with two different cab companies on two different Fridays during rush hour, mainly to check validity of trip sheets, but also noted calls received by the cab company. Mr. Steele explained that after extrapolating the data collected, it appears the cab industry is making far more money than it claims. He also said the City has no idea about the industries expenses and that he is not implying the industry makes too much, only that the industry should be held accountable. Mr. Steele said the City shouldn't roll with taxicab demands without some form of proof and that city-regulated businesses always have to substantiate any claims they make for an increase. He explained he received permission to send out questionnaires to try to collect information on taxicab costs, but has not received any back. He said he plans to try again to collect the necessary information. He explained the questionnaire is confidential and the information will be used to created a general database. Mr. Steele asked that a motion be made to keep the emergency fair structure for 60 days to enable the commission and council to make an informed judgment if and when the questionnaires are returned so information can be compiled.

MOVED BY:	Williams	To continue the taxicab fair structure as is for 60 days so that more information may be obtained
SECONDED BY:	Drake	

Council member Drake pointed out that sales tax is collected based on gross revenue and the lower of these two rates, one would think the City would be collecting more tax on this industry than it currently is collecting. He said the taxicab industry is taking the City to the cleaners by not paying the correct amount of taxes and it's good that Mr. Steele is doing the research. Council member Williams applauded Mr. Steel for gathering what information he has already been able to find and for thoroughly researching this before making final decisions. Council member Williams said the City isn't collecting the taxes it needs to be from the taxicab industry. Council member Williams said the industry has fought tooth-and-nail not to give the City data so it can make informed decisions, and the data collected demonstrates to the City where it is lacking in collecting taxes. Discussion briefly ensued. Council agreed more information is needed.

VOTE ON MOTION	Motion carried by a roll-call vote 6-0
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Mayor Rodgers entertained a motion to allow for a deadline in which questionnaires are due to Mr. Steele.

MOVED BY:	Williams	To require the questionnaires to be completed and turned in to Mr. Steele by July 30, 2001
SECONDED BY:	Drake	

Council member Notti said definitions should accompany the form. Council member Drake said maybe this should be handled by administration, not Council. Discussion briefly ensued

Council member Drake withdrew his second.

VOTE ON MOTION	Motion died
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Willy Keppel spoke to Council on this issue. He said he rides cabs all of the time and said he understands the point of charging a flat rate, but said it's not the Council's business to collect data on the taxi industry. He said the taxi industry pays a business license fee and if Council doesn't like the fee Council should raise it.

MOVED BY:	Drake	To rescind action on approving Planning Commission Resolution #01-02 under the consent agenda and place on the regular agenda
SECONDED BY:	Williams	

VOTE ON MOTION	Motion passed with unanimous voice vote
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Item B — Planning Commission Resolution #01-02: 7th Avenue Vacation

MOVED BY:	Williams	To approve to Planning Commission Resolution #01-02 and consent to the 7 th Avenue vacation
SECONDED BY:	Drake	

Council member Drake said he is approving the vacation based on the work of Planning Commission and the letter from the City Planner sent to Council. Council member Williams asked for clarification on the vacation. Discussion briefly ensued. Council member Drake also said the reason for taking it off the consent agenda is so the community will have an answer right away rather than waiting 30 days.

VOTE ON MOTION	Motion carried by a unanimous voice vote
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Item C — Resolution #01-20: Supporting ONC's efforts to secure an air-quality monitoring grant for the Bethel community

Resolution #01-20 passed under the consent agenda.

Item D — Resolution #01-21: Requesting FY02 Safe Communities funding from the Department of Community and Regional Affairs

Resolution #01-21 passed under the consent agenda.

Item E — Resolution #01-22: Requesting distribution from the FY02 payment in lieu of taxes program

Resolution #01-22 passed under the consent agenda.

Item F — Introduction—Ordinance #01-26: Amending section 5.20.160 of the BMC regarding payment of fees for regulation of taxicabs and river taxis

Introduced under the consent agenda and set for public hearing July 10, 2001.

COUNCIL MEMBER COMMENTS

Council Member Berger gave his condolences to the Ruth Hall family. He also spoke briefly about the frequent outages on KYUK. He said transmitters are past usable life and everyone depends on KYUK. Mr. Berger urged everyone to think of ways to find a means to replace the transmitters. Mr. Berger pointed out a grant magazine in which a 5-day grant course is advertised to take place in Bethel and he encouraged all city departments to attend.

Council Member Pobrislo *was not present.*

Council Member Drake said the Bethel Group Home is giving fish away daily in the morning and evening. He gave his condolences to the Hall Family.

Council Member Rodgers gave his condolences to the Hall Family. He said the fish are running well in the Yukon and reminded everyone to wear their personal flotation devices.

Council Member Notti gave his condolences to the Hall Family. He also wished everyone a fun and safe 4th of July.

Council Member Williams said he agrees with the Mayor about area-M in regard to subsistence fishing. He also commented on the leveling of roads and referred to particular roads that haven't been leveled in a long time. He said he would be on vacation in New York from July 1 to July 24.

Council Member Phillips wished everyone happy fishing and gave her condolence to the Hall family.

RECESS

MOVED BY:	Phillips	To recess until Friday, June 29 at 12 p.m. to continue the discussion of insurance companies for the City
SECONDED BY:	Williams	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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Meeting recessed at 9:26 p.m.

Mayor Rogers called the meeting back to order at 12:05, July 29, 2001 for the purposes of selecting an insurance company for the City.

Unfinished Business

Item E cont.—Insurance company selection for up-coming renewal

Council member Drake said council needs to look at two things—coverage and cost. He said the coverage is better with AML/JIA because it's not aggregate and the premium is cheaper with APEI. Council member Drake said both companies are responsible firms.

Council member Berger said Bethel is an active community and has a lot of claims. He said Bethel would benefit from being in a pool and AML/JIA could provide better coverage if Bethel has large claims. Council member Berger said next year, Council should have more lead time to make this type of a decision, in that he felt pressured to make this decision in a short time. City manager Herron responded to Council member Berger's comments in that because he is on the APEI Board of Directors, he has elevated this decision to Council.

Council member Williams asked the finance director if he could use money saved on an insurance premium to fund capital projects for the City. The finance director said yes because Council cut a half-million out of capital projects for FY02.

Council member Williams said the City has used AML/JIA since 1993 and it has been a good company. He said but now the City has a new company to choose from and the City could try another company.

MOVED BY:	Williams	To direct the city manager to accept APEI's insurance proposal of \$214,881
SECONDED BY:	Berger	

Council member Berger asked the finance director if the City should keep the flood coverage. Finance Director, Stuart Robinson, said yes because the City is at risk for a flood and \$5,000 is not a lot to add to the premium. City manager Herron said it's a good investment to spend the \$5,000 for flood insurance. Discussion briefly ensued. City manager Herron said AML/JIA has been good to the City.

VOTE ON MOTION	Motion carried by roll-call vote. 5 yes; 1 no (Rodgers)
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ADJOURNMENT

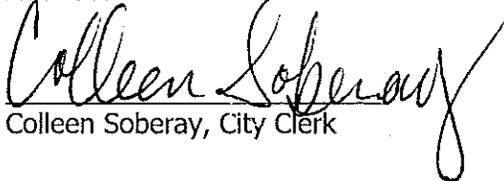
MOVED BY:	Drake	To adjourn the meeting.
SECONDED BY:	Williams	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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With no further business before the Council, the meeting adjourned at 12:40 p.m., July 29.

APPROVED THIS 10th DAY OF JULY 2001.

ATTEST:


Colleen Soberay, City Clerk


Stanley "Turdy" Rodgers, Mayor