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# City of Bethel, Alaska

## City Council Minutes

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June 12, 2001

Regular Meeting

Bethel, Alaska

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### CALL TO ORDER

A regular meeting of the Bethel City Council was held on June 12, 2001, at 5:30 p.m. in the council chambers, Bethel, Alaska.

Mayor Rodgers called the meeting to order at 5:34 p.m.

### ROLL CALL

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

Jerry Drake	Stanley "Tundy" Rodgers
Karol Pobrislo	Agnes Phillips— <i>arrived at 5:45</i>
Carl Berger	

Also in attendance were the following:

Robert Herron, City Manager  
Colleen Soberay, City Clerk  
Louann Cutler, City Attorney

### EXECUTIVE SESSION

<b>MOVED BY:</b>	Pobrislo	To go into executive session to discuss Bristol Alliance Fuels request to lease city property and continuation of the city manager's annual evaluation
<b>SECONDED BY:</b>	Drake	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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*Council came out of executive session at 6:30 p.m.*

### ROLL CALL

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

Jerry Drake	Stanley "Tundy" Rodgers
Karol Pobrislo	Agnes Phillips
Carl Berger	Dario Notti

Also in attendance were the following:

Robert Herron, City Manager  
Colleen Soberay, City Clerk  
Louann Cutler, City Attorney

## **SPECIAL ORDER OF BUSINESS**

### **Item A — Appoint candidate to vacant council seat**

Candidates for the vacant city council seat included Hugh Short, Jr., John Dickens, Willy Keppel, Thor Williams, Mary Pavil, and John Wallace. Each candidate spoke briefly to council on his or her views and qualifications. Additionally, each candidate responded to council member questions.

The first ballot vote eliminated all but Thor Williams and Hugh Short, Jr. After the first vote, Mr. Williams and Mr. Short tied four times, 3-3, for the council seat, during which council members and a member from the public, Dave Trantham, asked questions of each candidate.

Because the tie could not be broken, Council consented to a coin toss to determine which of the two candidates would fill the vacant seat. Mr. Short called heads. City manager Herron tossed the coin, which landed on tails. Mr. Short lost the coin toss.

### **Item B — Oath of Office for newly appointed council member**

The city clerk administered the oath of office to newly appointed council member Thor Williams.

### **Item C — Appoint council member to the AML Board of Directors seat**

Council voted a secret ballot—candidates were Mr. Notti and Mr. Drake. Council member Drake received five votes. Council member Notti received two votes.

<b>MOVED BY:</b>	Williams	To approve the election and appoint Council member
<b>SECONDED BY:</b>	Pobrislo	Drake to the AML Board of Director's seat.

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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### **Item D — Appoint council member to the vacant council representative seat on PSTC**

Council member Williams was appointed to the PSTC.

## **PEOPLE TO BE HEARD**

**David Trantham** — Mr. Trantham thanked Mike O'Brien for his years of service on city council. He said Mr. O'Brien always listened to the public. Mr. Trantham spoke to council about power and use of power. He said: just because council is elected to office, council can't abuse the office; council is elected to represent opinions of constituents; power corrupts; power is addictive, the public knows when power is abused because it shows. Mr. Trantham spoke on House Bill 132 and warned council to be careful of HB 132. Mr. Trantham said he was in contact with the Governor's office regarding various issues. He said a high-level city official was upset about him contacting the Governor's office. He further explained he has a right to contact his Governor. He also said a city official stated he was senile and that he was tested and is, in fact, not senile. Mr. Trantham congratulated Thor Williams.

### APPROVAL OF MINUTES

<b>MOVED BY:</b>	Drake	To approve the minutes of the May 22 regular meeting
<b>SECONDED BY:</b>	Pobrislo	

*\*Correction: pg. 1—Vice mayor Pobrislo called the meeting to order.*

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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### APPROVAL OF AGENDA

<b>MOVED BY:</b>	Drake	To approve the consent agenda with the removal of old business item E: Ord. 01-18 and removal of item G: Res. 01-19 from the consent agenda
<b>SECONDED BY:</b>	Williams	

*Consent agenda items: Ordinance #01-23, 01-24 and 01-25—introduced and set for public hearing June 26, 2001; Resolution #01-18*

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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### MAYOR'S REPORT

The Mayor's Report included the following:

- Letter from the Alaska Moravian Church — *Re: Request for Public Input and Modifications to portions of Ordinance #01-05 (Mayor Rodgers read a memo from the city planner in response to the letter from the Alaska Moravian Church)*

Council member Berger commented on the new and old code and how it places a burden on an owner and on the City's system. He said he would like to see the planning department not placed in the position of dealing with property transfers one-by-one. Council member Berger stated he feels this does need to be reviewed again by the planning department. He reiterated the City shouldn't be in the business of dealing with every property transfer in the form of a variance and said he would like the city manager to review this issue.

Council member Drake said he would abstain from all votes on this issue, as he owns property in the subdivision in question. Discussion briefly ensued.

With no objection from council, Mayor Rodgers directed the city manager to research a solution. Manager Herron replied that, as required under Title 29, he would work with the city planner, but recommended council refer this to the planning commission.

City attorney, Louann Cutler, responded to council's questions by explaining the process of property transfers under the new ordinance. She said this is a typical provision common in land-planning ordinances and the point is to bring about conformity. Ms. Cutler said it's a policy choice and if the Planning Commission recommends changing this policy, the ordinance may be amended.

- Letter from the Chamber of Commerce — *Re: Ordinance #01-17: Prohibiting certain uses of plastic bags—requesting an amendment*
- Letter from the Denali Commission — *Re: Solicitation of interest in regard to the Commission's energy program in an effort to reduce the cost and increase the reliability of rural energy and enhance the sustainability of rural energy facilities*

- Letter from the Division of Community and Business Development — *Re:* Public notice concerning REAA School Board Reapportionment
- Memorandum from City Manager — *Re:* MOA with LKSD

<b>MOVED BY:</b>	Drake	To approve MOA with LKSD for a partnership between the agencies for a 21 <sup>st</sup> Century grant program
<b>SECONDED BY:</b>	Williams	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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- Memorandum from City Manager — *Re:* Bid Award of Ridgecrest Realignment Material

<b>MOVED BY:</b>	Notti	To approve a \$86,714 bid for arctic pipe and fittings for the Ridgecrest Realignment project to Maskell Robbins Incorporated
<b>SECONDED BY:</b>	Pobrislo	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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- Letter from the Division of Community and Business Development — *Re:* FY02 State revenue sharing program
- Newsletter from Rep. Mary Kapsner
- Governor's Talking Points for the week of June 4, 2001

### MANAGEMENT TEAM'S REPORT

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

- Gilbert Keywehak's letter—Requesting that drainage be installed by the Bethel Group Home located on Second Road in Housing. The AHFC Public Housing personnel and their contractor are addressing the drainage issue, as the culvert pipe in question is their responsibility.
- ANG press release—Alaska National Guard Looking at New Armories: Design process for new Bethel Armory to begin in 2002
- Tobacco Prevention Grant continuum—Bethel City Parks and Recreation Department has been awarded a grant of \$30,000 for FY02.
- Resolution #01-15—As directed in Res. #01-15, City Planner John Malone provided research and recommendations to council in regard to a new City water-front park.

### REPORTS OF STANDING COMMITTEES

#### Senior Advisory Board

Council member Berger said the SAB has not met.

#### Planning Commission

Council member Notti said the commission is scheduled to meet June 14.

#### Port Commission

Mayor Rodgers said the commission met May 24. Mayor Rodgers reviewed the minutes from that meeting.

**Public Works Committee**

Council member Drake said the committee has not met since the last council meeting, but is scheduled to meet June 19 at 12 p.m. at the public works building.

**Finance Committee**

Council member Phillips said the committee is scheduled to meet June 28 at 7:30.

**Parks and Recreation Committee**

Council member Pobrislo said the committee has not met since the last council meeting, but is scheduled to meet June 20 at 6 p.m.

**UNFINISHED BUSINESS****Item A — Bristol Alliance Fuels request to lease City property**

Marc Stemp, President and CEO of Bethel Native Corporation (BNC), agreed a second fuel-tank farm is needed. He said tract 5-C is not the place. Mr. Stemp referred to PG 6, ¶ 5 of the After-Acquired Title Agreement, concerning certain lands within U.S. survey 4000, between BNC and the City of Bethel. Mr. Stemp read ¶ 5 to council in regard to Right of Re-entry. Mr. Stemp said the land must be used for a public facility. Mr. Stemp asked Council to abide by the agreement made between BNC and the City.

Council member Williams asked Mr. Stemp if BNC has any suggestions of how Bethel can bring a second fuel-tank farm into Bethel.

Mr. Stemp replied that tract 5-A is an appropriate piece of property for a second fuel-tank farm and that BNC is currently entertaining discussions for a second fuel-tank farm.

City manager Herron recommended Council allow him to call Bristol Alliance to tell the company that Council is not interested in doing a sweetheart deal with Bristol Alliance. City manager Herron said if Council decides to allow for a second fuel-tank farm on City property in Bethel, the City would put it out to a public bid process. City manager Herron recommended Council direct city administration to conduct due diligence on tract 5-C before making further decisions.

<b>MOVED BY:</b>	Pobrislo	To direct City administration to proceed with a plan for due diligence on tract 5-C
<b>SECONDED BY:</b>	Phillips	

<b>VOTE ON MOTION</b>	Motion carried by a unanimous voice vote
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<b>MOVED BY:</b>	Williams	To suspend the rules and move item A of new business up on the agenda
<b>SECONDED BY:</b>	Pobrislo	

<b>VOTE ON MOTION</b>	Motion carried by a unanimous voice vote
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**New Business Item A — Dust Busters report by John Wallace**

John Wallace spoke to Council about Dust Busters, a group of people who have come together to promote public awareness about the dust problem in Bethel and provide solutions. Mr. Wallace gave a little background on Dust Busters and plans for the future. He said there are a lot of people interested in participating with Dust Busters. He reviewed what took place at the recent Dust Busters

meeting. Mr. Wallace explained a doctor was at the meeting who explained dust is a contributing factor in the amount of respiratory cases in Bethel and respiratory problems increase in the summer. He said the plan is to have a group of people who will contribute in some way to solutions for the dust problem in Bethel—solutions include passing out bags of grass seed to the public; air-quality monitoring program; reducing speed in neighborhoods to cut down on the amount of dust kicked-up by vehicles; making hydro seeding available for public and private use. Mr. Wallace said the City has done a great job watering the roads, but suggested maybe Council could require that all federal, state and city contracts require commercial contractors to water the road if they engage in excessive hauling. Mr. Wallace asked Council to make this a City priority and put standard procedures in place. Mr. Wallace asked Council to participate in Dust Busters meetings. Council member Drake volunteered to attend Dust Busters meetings as a council representative. Council member Pobrislo recommended that every City committee and commission get involved and suggested each council member take this issue to their committee or commission as an agenda item to brainstorm for suggestions and solutions. Discussion ensued.

Mike Samuelson, Orutsararmuit Native Council's (ONC) Environmental Coordinator, explained ONC is applying for an air-quality program grant. Mr. Samuelson said the program under this grant would monitor the air in and around the Bethel community. Mr. Samuelson said more could be accomplished if various organizations work together. Council member Drake asked Mr. Samuelson what type of support ONC would like from Council. Mr. Samuelson responded a letter of support or resolution of support that ONC could submit with its grant application. Council directed administration to write a resolution of support for ONC.

**Item B — Public Hearing: Ordinance #01-19: An ordinance amending section 3.16.020 of the BMC regarding the fees charged for City of Bethel water and sewer services**

*Mayor Rodgers opened the public hearing. There was no one from the public to be heard.*

<b>MOVED BY:</b>	Drake	To adopt ordinance #01-19
<b>SECONDED BY:</b>	Phillips	

<b>VOTE ON MOTION</b>	Motion carried by a unanimous roll-call vote 7-0
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**Item C — Public Hearing: Ordinance #01-20: An ordinance amending certain sections of chapters 5.40 and 5.50 of the BMC regarding taxicab dispatch services**

*Mayor Rodgers opened the public hearing. There was no one from the public to be heard.*

<b>MOVED BY:</b>	Notti	To adopt ordinance #01-20
<b>SECONDED BY:</b>	Williams	

Council member Williams asked if cab drivers would still be required to keep trip sheets. Manager Herron said yes.

<b>VOTE ON MOTION</b>	Motion carried by a unanimous roll-call vote 7-0
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**Item D — Public Hearing: Ordinance #01-22: City of Bethel FY02 Budget**

*Mayor Rodgers opened the public hearing.*

**Dave Trantham** said the police department costs the community a lot of money, which is necessary, but unfortunate. Mr. Trantham said he would focus his comments on the Senior Services budget. He said there are four ways to fund the senior center: generosity of community; grants

(automatic, government annual grants and sought-after grants); City funds; and collection of Medicaid. He explained that some time ago he proposed the city council change the Senior Services Director's title and job to Director/Grant Writer. He said the City did not do that and he feels cheated because the City does not apply for grants that are not automatic. He said there are a lot of grants available, but the City needs to do the research on the different grants available. Mr. Trantham noted the General Fund cash contribution to the senior center as \$104,839 and said that is far more money than needs to be appropriated for the senior center if the senior center would apply for grants.

<b>MOVED BY:</b>	Phillips	To continue past 10:00 p.m.
<b>SECONDED BY:</b>	Drake	

<b>VOTE ON MOTION</b>	Motion carried by a unanimous voice vote
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Mr. Trantham said council has cheated the seniors and it's time council do something about it. He asked council to stop cheating the seniors and respond to all grants available in a timely manner and make it a goal of the senior center to apply for grants.

Tom Hildreth said it's unfortunate the CSO program has been removed from the police department's budget. He said he strongly supports the CSO program, as the City currently has good police officers who were in this program. He explained that, without experience, locals won't get hired and the CSO program is a great local-hire tool. Mr. Hildreth reiterated that the CSO program should be revived.

<b>MOVED BY:</b>	Phillips	To adopt ordinance #01-22
<b>SECONDED BY:</b>	Drake	

Council member Berger responded to Mr. Trantham's comment on the Senior Services budget. He said during the budget work sessions, the Senior Services Director asked for input on grant sources. He said he would follow-up on this issue.

Council member Drake responded to Mr. Hildreth's comment about the CSO program in that he supports the CSO program, but it couldn't be funded this year. Council member Drake said that doesn't mean it can't be funded next year.

Council member Williams said for various reasons, the City will lose officers. City manager Herron said it's true the City may lose an officer to the Troopers. He explained the City has two new officers coming from the academy. He said there are many issues involved such as high-cost of living and salary levels. Council member Pobrislo asked if the salary increases for officers that were talked about during the budget session were incorporated into the FY02 budget. City manager Herron said no, because Union negotiations will take place soon and salaries will be negotiated at that time. Discussion briefly ensued.

<b>VOTE ON MOTION</b>	Motion carried by a unanimous roll-call vote 7-0
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## **NEW BUSINESS**

### **Item B — Discussion Item: Used oil, glycol and battery disposal**

City manager Herron explained council asked to discuss if the City should continue to collect hazardous waste materials. He said if the City doesn't collect it in a safe, orderly process, people would do it in an unsafe way, such as dump it out on the tundra. Manager Herron recommend the City continue to collect used oil, glycol and batteries at this time.

Mayor Rodgers said he would like the ordinance amended to require business entities, those entities that are able to collect waste materials, to collect such materials. He said NAPA auto already accepts used batteries.

Council member Drake agreed this issue should continue to be discussed, but said not to lose sight that the City provides landfill and refuse collection services and this is part of those services. Council member Drake recommended council refer this to the Public Works Committee for further discussion and recommendations.

Council member Pobrislo suggested the City make an effort to educate people on the dangers of hazardous waste materials and the proper manner of which to dispose hazardous waste materials. Council member Williams agreed the public should be educated. Discussion briefly ensued. Council referred this issue to the Public Works Committee.

Jerry Galliard, Crowley Manager, explained Crowley does not accept used oil, glycol or hazardous waste materials from the public and, in fact, does not dispose of any to in the City. He explained Crowley ships waste materials to Anchorage, but anything such as antifreeze and hazardous materials are shipped to Washington at Crowley's expense. Mr. Galliard said he is a little concerned in that the City should get a handle on what waste materials they are accepting at the landfill because the City should be fully aware of exactly what they are accepting. He said if the City accepts a barrel of oil and later learns it is contaminated, the City would be in trouble.

**Item C — Introduction: Ordinance 01-23: Amending Title 13 of the BMC regarding public services relating to city-owned cemeteries**

*Introduced under the consent agenda and set for public hearing June 26, 2001.*

**Item D — Introduction: Ordinance 01-24: Amending Chapter 8.12 of the BMC relating to prohibiting certain uses of plastic bags**

*Introduced under the consent agenda and set for public hearing June 26, 2001.*

**Item E — Introduction: Ordinance 01-25: Year-end budget modification**

*Introduced under the consent agenda and set for public hearing June 26, 2001.*

**Item F — Resolution 01-18: A resolution in support of protecting local authority over sales tax**

*Resolution #01-16 passed under the consent agenda.*

**Item G — Resolution 01-19: A resolution amending the city engineer's contract**

City manager Herron explained the need for an amendment to the city engineer's contract. He explained ASCG bid on a mapping project and offered the lowest bid. He said city administration would like to award the bid to ASCG, but first the contract needs to be amended.

<b>MOVED BY:</b>	Drake	To adopt resolution #01-19
<b>SECONDED BY:</b>	Pobrislo	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote
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**COUNCIL MEMBER COMMENTS**

**Council Member Berger** welcomed Mr. Williams to city council.

**Council Member Pobrislo** welcomed Mr. Williams to city council.

**Council Member Drake**—*no comment.*

**Council Member Rodgers** wished everyone happy fishing. Mr. Rodgers welcomed Mr. Williams to city council.

**Council Member Notti** said he was glad to see a citizen come forward to support the CSO program. He said he hopes city management will follow through with reestablishing the CSO program.

**Council Member Williams** thanked the public for coming out to watch council fill the vacant council seat. He said it was good to see people from the community come to the meeting to watch the election.

**Council Member Phillips** congratulated the finance director for receiving the Government Finance Officers Association Distinguished Budget Presentation Award for the Bethel FY01 Budget.

**ADJOURNMENT**

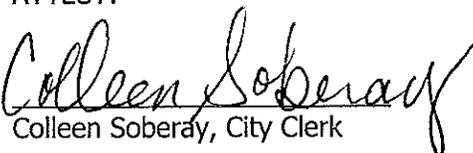
<b>MOVED BY:</b>	Pobrislo	To adjourn the meeting.
<b>SECONDED BY:</b>	Williams	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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With no further business before the Council, the meeting adjourned at 10:30 p.m.

**APPROVED THIS 26<sup>th</sup> DAY OF JUNE 2001.**

ATTEST:

  
Colleen Soberay, City Clerk

  
Stanley "Tundy" Rodgers, Mayor