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CITY COUNCIL MINUTES
NOVEMBER 10, 1992

CALL TO ORDER In the absence of Mayor Feaster and by acclamation of all Council members, Councilman Warner agreed to serve as presiding officer of the Council meeting. Acting Mayor Warner called the regular Council meeting of November 10, 1992, to order at 7:30 p.m.

ROLL CALL Present: Jones, Metcalfe, Trantham, Vanasse
Warner, Wintersteen
Absent: Feaster

APPROVAL/MINUTES M/M by Vanasse, 2nd by Jones to approve the minutes of the October 27, 1992, regular Council meeting as presented. Voice vote. Motion carried unanimously.

APPROVAL/AGENDA M/M by Vanasse, 2nd by Jones to amend the agenda by adding a personnel matter to Item G: Executive Session. Voice vote. Motion carried unanimously.

motion M/M by Trantham, 2nd by Vanasse to identify all Executive Session Legal Matters on the printed agenda. Voice vote. Motion carried unanimously.

MAYOR'S REPORT Acting Mayor Warner referred Council to Mayor Feaster's written report.

Mr. Warner read a letter of commendation to departing Fire Chief Mark Barker and presented him with a plaque from the City Council.

MANAGER'S REPORT Acting City Manager Liu stated that he had appointed Acting Fire Chief George Young as the next Fire Chief, effective November 14, 1992.

Mr. Liu referred Council to his written report.

Councilman Wintersteen pointed out that the price of the fuel haul contract in the Manager's report needed to be changed from .1049 cents per gallon to 10.49 cents per gallon.

COUNCIL MEMBERS'
COMMENTS

Councilman Trantham stated that November 11 is Veteran's Day and he is very grateful to all the men and women who have served their country. Mr. Trantham also thanked Mr. Liu for serving as Acting City Manager for three weeks.

Councilman Vanasse thanked Mr. Barker for his outstanding service to the community. Mr. Vanasse asked Council for a consensus in supporting the concept of the Hope '93 Dog Sled Race. Acting Mayor Warner suggested Mr. Vanasse prepare a resolution for the next regular Council meeting.

Councilman Metcalfe reiterated Mr. Trantham and Mr. Vanasse's comments to Mr. Liu and Mr. Barker. Mr. Metcalfe asked for the consensus of the Council to congratulate President-elect Clinton and Vice President-elect Gore in the form of a resolution. Mr. Trantham suggested Mr. Metcalfe prepare a resolution for the next regular Council meeting.

Councilman Wintersteen thanked Mr. Liu for wearing two hats as Acting City Manager, and Mr. Barker for his work on the Personnel Rules & Regulations. Mr. Wintersteen also expressed the concern from a citizen on the asbestos repository site discussion.

Councilman Jones thanked Mr. Barker and Mr. Liu.

Councilman Warner asked if the sprinkler system deficiencies had been corrected. Jerry Korthius, Public Works, stated that some had but it was not yet completed. Mr. Warner inquired about why waste-heat would not be utilized in city buildings this year. Mr. Korthius responded that Bethel Utilities Corporation wanted an easement for their waste-heat lines that the City promised. Mr. Korthius stated that all that was required for the easements was to record them, and, until that time, the City could not use the waste-heat lines, nor would Bethel Utilities Corporation fix them if they needed repair. Mr. Warner stated that the Council needed to

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finish this item and not lose sight of the issue. Mr. Warner thanked Mr. Barker for his over ten years of service and Mr. Liu for stepping in and forcefully taking command.

**REPORTS OF STANDING
COMMITTEES**

Councilman Jones stated that the Finance Committee had not met, but would be meeting.

Councilman Wintersteen stated that the Port Commission had not met.

Councilman Metcalfe stated the Planning Commission would meet Thursday, November 12.

Councilman Vanasse stated the Public Safety Committee meeting was rescheduled for November 11 at noon.

Councilman Trantham stated the Youth Committee is waiting for Council approval and the Transportation Committee had no business and had not met.

Acting Mayor Warner stated the Public Works Committee is scheduled for November 17.

PEOPLE TO BE HEARD

Ray Dronenberg, Alaska Department of Environmental Conservation, asked to speak about the proposed asbestos repository site at this time since he had to catch a plane. He stated that DEC does not support a toxic waste site in Bethel or the State of Alaska. He clarified that he recommended the City consider landfilling asbestos only. Mr. Dronenberg brought cost estimates of the monitoring wells and the quarterly samplings the City will incur with the new landfill requirements. Mr. Dronenberg suggested the asbestos repository site as a way to offset the costs of the new landfill. Mr. Dronenberg stated that the budget he saw from the Federal Government for the asbestos removal process was a total of \$3 million, although he wasn't sure what percentage the City would receive for the landfilling of asbestos.

Councilman Metcalfe asked if asbestos is a hazardous waste. Mr. Dronenberg stated it is not, it is a hazardous air pollutant. Mr.

Metcalf asked if it is a carcinogen. Mr. Dronenberg stated it is.

Councilman Jones asked Mr. Dronenberg if the Federal Government would pay for the landfilling of asbestos. Mr. Dronenberg stated they would. Mr. Jones asked if the asbestos repository had to be built to their specifications. Mr. Dronenberg stated it would. Mr. Jones asked if they would inspect it to make sure it is to their specifications. Mr. Dronenberg stated they would. Mr. Jones stated there was no way the City or anyone could cheat. Mr. Dronenberg responded he was correct and that the record keeping was so stringent that no one would want to try to cheat.

Councilman Wintersteen asked about the container the asbestos is buried in. Mr. Dronenberg stated the container is usually a plastic bag four mil thick. Mr. Wintersteen asked if the bag could rip. Mr. Dronenberg replied that yes it could, and that is why it is double bagged. Mr. Wintersteen expressed concern over asbestos getting into the water supply after it is buried. Mr. Dronenberg responded that the enforcement officer for the EPA Area 10 in Seattle is not aware of any problems with any asbestos landfill in his area.

Mr. Jones asked if the monitoring wells would pick up any leaching into the soil by the asbestos. Mr. Dronenberg said they would. Mr. Jones asked if the monitoring wells showed any leaching, would the Federal Government correct the problem. Mr. Dronenberg replied that he was not sure where the liability lies, but they probably would.

Brian Glasheen, coordinator for the Bethel recycling effort, asked for permission to use the basement of the old fire station for compacting cans throughout the winter, on a temporary basis. Acting Mayor Warner asked Mr. Glasheen to come back with a written proposal indicating any costs for the next meeting. Mr. Glasheen stated there would be no costs. Mr. Warner said Building Maintenance would need to look at the building to see if it would need any work to make it safe for occupancy. Mr. Warner directed Mr.

Glasheen to make his request written and present it to Council at the next meeting. Mr. Glasheen also stated his opposition to the landfill extension. Acting Mayor Warner recommended Mr. Glasheen speak with the Solid Waste Committee.

OLD BUSINESS

Item A: Amend.
#1 to Ord. #203

**PUBLIC HEARING: AMENDMENT #1 TO ORDINANCE
#203--BUDGET FY 93 (POLICE)**

Acting Mayor Warner explained that this amendment would delete one patrol officer position and add two community service officer positions to the police department for a total budget impact of \$18,200, which the Finance Director indicated could be covered through increased sales tax collection. Police Chief Liu explained how the budget process cut one officer position while the number of police calls increased 26%. Acting Mayor Warner then closed the Public Hearing and asked for Council input. Councilman Jones asked if the Community Service Officers would be able to pick up PC's. Chief Liu responded that they would. Councilman Wintersteen commented that while he supports this amendment, Council needed to look at the problem of attracting qualified patrol officers. Councilman Vanasse added his support to the amendment and stated that the community service officers bring local people into the Police Department and provides training for the future. Councilman Metcalfe asked how the Community Service Officers would be utilized on shifts. Chief Liu replied that they would be targeted to the high activity days.

motion

M/M by Trantham, 2nd by Jones to approve Amendment #1 to Ordinance #203 effective November 10, 1992. Poll vote. Motion carried unanimously.

Item B: Amend.
#2 to Ord. #203

**PUBLIC HEARING: AMENDMENT #2 TO ORDINANCE #203
--BUDGET FY 93 (GYM USE AGREEMENT)**

Acting Mayor Warner explained that this amendment is a proposal to increase the City's contribution to the Youth Services program to pay gym rental fees for the adult recreation

programs by adding an additional \$6500. Robert Himschoot of the men's basketball league stated that the \$6500 was a minute part of the total budget and would affect 5% of the population that participate in the adult programs.

Cindy Sallafie of the volleyball association outlined the costs for the teams to use the gym once a week and stated that in January they would be playing twice a week. Ms. Sallafie also said a tournament is planned for February with teams from other villages.

In response to Councilman Metcalfe's questions, Gary Fredericks of the men's basketball league said 120 men and 70-80 women participate in the basketball leagues and host three tournaments during the season. Ms. Sallafie stated that the tournaments bring in money from the villagers to the local businesses. Mr. Himschoot added that a lot of people donate their time to the games.

Acting Mayor Warner closed the Public Hearing and asked for Councilmember comments. Mr. Vanasse supported the amendment stating it was a small dollar amount for the large segment of the community it affects. Mr. Metcalfe added the community needs as many recreational opportunities as it can get. Mr. Wintersteen also added his support.

motion

M/M by Wintersteen, 2nd by Trantham to approve Amendment #2 to Ordinance #203 effective November 10, 1992.

Mr. Trantham added his support. Mr. Warner cautioned the Council to look carefully at the budget before spending more money, reminding the Council the budget was not balanced on July 1.

Poll vote. Motion carried 4-yes, 2-no (Jones, Warner)

**Item C: Amend.
#2 to Ord. #163**

**PUBLIC HEARING: AMENDMENT #2 TO ORDINANCE #163
--PURCHASING: PROCUREMENT OF INSURANCE**

Acting Mayor Warner explained that this amendment involves the procurement of insurance by soliciting competitive bids from insurance brokers. No public comment. Mr.

Warner closed the Public Hearing. Councilmembers discussed the difference between an insurance broker and an insurance consultant, and the problems associated with each.

motion M/M by Jones, 2nd by Trantham to table Amendment #2 of Ordinance #163 and return to the Finance Committee for recommendation. Poll vote. Motion carried unanimously.

**Item D: Interim
City Manager**

**DISCUSSION ON INTERIM CITY MANAGER
DRAFT AGREEMENT**

motion M/M by Vanasse, 2nd by Jones to approve the agreement as presented.

Councilman Trantham asked if Ms. Gross would be naming someone Acting City Manager during her three absences. Acting Mayor Warner responded that Council could direct her to do so. Mr. Trantham had a question on the Purchasing Agent's sole-source determination letter. Mr. Warner stated he regarded the letter as unnecessary, as the hiring of Ms. Gross was not covered under the Purchasing Ordinance.

Voice vote. Motion carried unanimously.

**Item E: Temporary
Use Permit**

TEMPORARY USE PERMIT WITH BETHEL CONTRACTORS

Acting Mayor Warner explained that this was basically a rental agreement for the use of City property between the City and Bethel Contractors for the use of 18,000 square feet of property for the storage of gravel.

Ralph Doyle, owner of Bethel Contractors, was present and addressed the Council with his request to reduce the rental amount. Mr. Doyle stated that he signed a previous agreement with the City under duress.

Councilmembers questioned Mr. Doyle about his statements and a discussion over wharfage fees and use of City property followed.

motion M/M by Vanasse, 2nd by Metcalfe to approve the permit with changes in dates. Poll vote.

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Motion carried 4-yes, 2-no (Jones, Trantham).

Council broke at 9:15 PM for a short recess. At 9:25 PM, Acting Mayor Warner called the meeting back to order.

motion

M/M by Metcalfe, 2nd by Jones to add a discussion about the hiring of a new City Manager after Item F of New Business. Voice vote. Motion carried unanimously.

NEW BUSINESS

**Item A: Amend.
#2 to Ord. #9**

**INTRODUCTION OF AMENDMENT #2 TO ORDINANCE #9
--DESIGNATED CURFEW HOURS**

Acting Mayor Warner explained that this amendment was at the request of the Police Department and endorsed by the Public Safety Committee.

motion

M/M by Trantham, 2nd by Jones to introduce Amendment #2 to Ordinance #9 for public hearing to be held November 24, 1992. Voice vote. Motion carried unanimously.

**Item B: Amend.
#3 to Ord. #203**

**INTRODUCTION OF AMENDMENT #3 TO ORDINANCE #203
--FY 93 BUDGET (PUBLIC WORKS)**

Acting Mayor Warner explained that this amendment pertained to the Public Works budget adjustments to reflect the additional income and expenditures involved with leasing the Bojangles and Bus Barn buildings.

motion

M/M by Trantham, 2nd by Jones to introduce Amendment #3 to Ordinance #203 for public hearing to be held November 24, 1992. Voice vote. Motion carried unanimously.

Item C: Res. #720

RESOLUTION #720--COUNCIL COMMITTEES

Acting Mayor Warner explained that this resolution concerns the committee structure of the City of Bethel and establishes a new committee.

motion

M/M by Vanasse, 2nd by Jones to approve Resolution #720 with a change of verbiage from "amending Resolution #451" to "superseding Resolution #451".

Council discussion concerning whether to include the Solid Waste Committee in this resolution. The consensus was not to include it as the Mayor would like it to remain an ad-hoc committee.

Voice vote. Motion carried unanimously.

Item D: Res. #721 RESOLUTION #721--CITY OF BETHEL AS AN ASBESTOS REPOSITORY

Acting Mayor Warner explained that this resolution was only to investigate and evaluate the feasibility of establishing an asbestos repository only.

Several Councilmen stated that this resolution did not commit the Council to anything more than further study of the issue.

Bev Hoffman spoke to the Council about her concerns about Bethel becoming a hazardous waste site. Mr. Warner reassured Ms. Hoffman that the Council was not contemplating a hazardous waste site at any time.

Discussion on the method of removing and landfilling asbestos followed.

Councilmen Warner, Vanasse, Metcalfe and Wintersteen all called for a public forum after as much information as possible is gathered by the Administration.

motion M/M by Wintersteen, 2nd by Jones to approve Resolution #721 as presented. Voice vote. Motion carried unanimously.

motion M/M by Jones, 2nd by Metcalfe to continue meeting past 10:00 PM. Voice vote. Motion carried 5-yes, 1-no (Wintersteen).

Item E: Gaming Permit Appl. GAMING PERMIT APPLICATION--KUSKOKWIM 300 RACE COMMITTEE

motion M/M by Trantham, 2nd by Jones to approve the 1993 Gaming Permit Application for the Kuskokwim 300 Race Committee. Voice vote. Motion carried unanimously.

Item F: CIP List CAPITAL IMPROVEMENTS PROJECTS LIST

Acting Mayor Warner pointed out that items #1 and #2 under the Village Safe Water Program were items that were previously approved for priorities for the Village Safe Water Budget for Capital Projects and item #3 was money the City received last year.

Mr. Warner explained that this CIP list is supposed to propose additional requests for capital monies that would go to the Administration or to the Legislature directly. Mr. Warner stated that he thought water/sewer projects would be popular with the legislature, and that the Council would be well advised to keep water/sewer projects high on the list.

A discussion on listing the priorities and how dollar amounts were determined followed.

Councilman Metcalfe suggested the Council discuss their priorities with Representative Hoffman and Senator Jacko before the start of the legislative session. Councilman Trantham stated that the Council needed to meet with them as soon as possible.

Mr. Warner directed the Administration to fax the list to Mr. Urion as soon as it was approved by the Council, and to develop detailed proposals to present to the legislators.

After much discussion, the Council decided to delete item #3 under Statewide Programs, and move item #2 to the #1 priority.

motion

M/M by Vanasse, 2nd by Metcalfe to approve the Capital Improvements Projects List with the following changes: 1) delete Item #3 under Village Safe Water Programs; 2) delete Item #3 under Statewide Programs; and 3) switch Items #1 and #2, making a new roof for the courthouse as the #1 priority and renovation of the Braund Building as #2 under Statewide Programs. Voice vote. Motion carried unanimously.

City Manager
Selection

CITY MANAGER SELECTION

Councilman Vanasse explained that there were two decisions to choose from in regards to the remaining two applicants for the City Manager's position: to interview the two applicants or to readvertise the position.

Councilman Vanasse stated that he was strongly in favor of readvertising for the position as he did not think two applicants were enough to choose from.

Councilman Wintersteen stated that if the two applicants were the right people, two was enough. Mr. Wintersteen said the Council should give the applicants the courtesy of interviewing and then readvertise if the applicants were unsatisfactory.

Councilman Trantham stated that he did not think one of the remaining applicants was qualified and would not support interviewing him. Mr. Vanasse agreed.

motion

M/M by Wintersteen, 2nd by Metcalfe to interview the remaining two applicants, and then readvertise if the Council is not satisfied. Poll vote. Motion failed, 3-yes, 3-no (Jones, Trantham, Vanasse).

Councilman Jones stated his concern that the Council present a united front so it could get along with a City Manager longer than in the past.

Mr. Metcalfe and Mr. Warner both stated the remaining candidates would probably not reapply if the Council decided to readvertise. Mr. Trantham stated for the record that he thinks one of the candidates is qualified. Mr. Vanasse agreed with Mr. Trantham, and remarked that it would not be fair to the community to interview one person for the job.

Mr. Wintersteen restated his opposition to readvertising without interviewing the remaining applicants.

motion M/M by Vanasse, 2nd by Trantham to readvertise the position of City Manager for a period of thirty days in the same sources as before. Poll vote. Motion passed, 4-yes, 2-no (Metcalfe, Wintersteen). Mr. Warner directed Administration to draft a letter for the Mayor's signature to the remaining applicants asking them to remain in the pool of applicants and to notify the Council if they did not wish to do so.

Mr. Metcalfe suggested the Council increase the salary range in the advertisement to broaden the range of applicants.

motion M/M by Metcalfe, 2nd by Jones that the advertisement reflect a salary of \$60,000-\$70,000.

Mr. Wintersteen stated the advertisement should reflect a firm figure.

Mr. Metcalfe withdrew his motion, Jones 2nd the withdraw.

motion M/M by Vanasse, 2nd by Jones to include in the advertisement for City Manager a negotiable salary figure, depending on experience, up to \$70,000 plus benefits. Voice vote. Motion passed, 5-yes, 1-no (Warner).

Item G: EXECUTIVE SESSION

A discussion on the appropriateness of the personnel issue added to the Executive Session ensued. Acting Mayor Warner stated that a grievance cannot be heard by the Council. The Council concurred and the personnel issue was rejected from the Executive Session.

motion M/M by Wintersteen, 2nd by Metcalfe to go into Executive Session for the purpose of discussing legal matters concerning Harry Faulkner, Jr., and Johnette Pete. Voice vote. Motion carried unanimously.

motion M/M by Trantham, 2nd by Jones to come out of Executive Session. Voice vote. Motion carried unanimously.

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motion M/M by Vanasse, 2nd by Jones to adjourn the meeting at 11:25 p.m. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 24th DAY OF November, 1992.

James H. Feaster III
James H. Feaster III, Mayor

ATTEST:

Jane Elam
Jane Elam, City Clerk