

CALL TO ORDER

Mayor Kelly called the meeting to order at 7:38 pm.

ROLL CALL

Present: Dale, Hoffman, Hohman, Kelly, Trantham and Warner.

Absent: Anvil - out of town.

APPROVAL OF MINUTES

M/M by Dale, 2nd by Trantham to accept the minutes of 2/1/89 special meeting with the following changes: Page 2, under City Manager's Separation, remove word 'for' on line 11; on line 14 add word 'an'; on line 15, delete words 'such an', and make 'employee' to plural; and end of sentence add words 'were suggested'; under Travel Policies: remove 'and the Chamber of Commerce'. Page 4: change dates of Brown Case hearing to February 7th at 9:30 a.m. Voice vote, motion carried.

motion

M/M by Trantham, 2nd by Warner to accept the minutes of 1/10/89 Council meeting. Voice vote, motion carried.

motion

M/M by Warner, 2nd by Hohman to approve the minutes of 12/27/88 Council meeting. Voice vote, motion carried.

APPROVAL OF AGENDA

M/M by Warner, 2nd by Trantham to accept the agenda with the following changes: under Unfinished Business - postpone Item B - Ordinance #186. Under New Business - postpone Item C - Calco Report until next meeting and in place insert Consortium Library Heating Lines; add legal matters to Executive Session. Voice vote, motion carried.

MAYOR'S REPORT

Mayor Kelly indicated she did not have much to report. Reported that she got a call from KYUK Radio Station in regards to the morning talk show, but indicated she could not make it due to prior meeting commitments, but that she would be able to make it at a future date. Also, received calls from the public as to why people could not call in during that particular talk show.

MANAGER'S REPORT

City Manager Chinn reported to Council on the following matters:  
- briefly heard report from Dave Cottrell of Mikunda, Cottrell & Co. regarding the FY'88 Audit; after brief report, work session with Council was scheduled for February 23, 1989, 7:30 pm at the Braund Building conference room before the final FY'88 audit report can be turned in;  
- reported that a high level standard of certificate from Alaska Police Standards Council was received to be awarded to Police Chief Clayton; which was awarded at this time. Police Chief Clayton accepted the certificate with appreciation and indicated that it has been awhile since the Police Department Officer had received a certificate from APDC, and further indicated it was an honor accepting the certificate.

CITY MANAGER'S REPORT  
continued

- reported to Council that bids were received on the Ice Road Maintenance; one from Hoffman/Langlie for \$200.00 per mile, and one from Foundation Services for \$714.00 per mile. Council at this time had a lengthy discussion with City Manager Chinn regarding the bids that were turned in. Councilman Dale indicated that he would abstain from voting, if any, on the RFP's since he was being subcontracted by Hoffman/Langlie Co. if they were rewarded the bid. Harry Faulkner, Jr. protested to Council that the Hoffman/Langlie bid was non-responsive to the RFP that was published, further indicating that he was misinformed by asked to turn in a bid for the whole year. After lengthy discussion on the issue, Mayor Kelly with concurrence of Council, asked Attorney Hicks to review the RFP and the bids for his opinion and report back before going into unfinished business.

- City Manager Chinn further indicated that the City was cited for 27 safety hazards by OSHA; Public Works Director Stock reported further in detail to Council on the safety violations and indicated that response has to be done within 15 days. Council requested that report be given on the status of the safety hazard citations at the next 2/28/89 meeting;

motion

- Councilman Trantham asked what the status was on the Carrie Nelson and Bush Air utility waiver status was. City Manager Chinn indicated that an extension was needed since they were unable to correct the problem due to recent cold spell. M/M by Warner, 2nd by Trantham to continue extend utility waiver for Carrie Nelson and Bush Air to June 1, 1989, until the general problems can be addressed. Voice vote, motion carried.

FINANCE DIRECTOR'S  
REPORT

Finance Director Kehr passed out the break down of budget figures to Council, and indicated that the other information is still being inputted to the new system. Further indicated that he should have the 6 month budget report at the 2/28/89 meeting. Council then discussed the budget break down with Finance Director Kehr with no actions taken. It was also noted that the Municipal Assistance fund was received from the State of Alaska.

COUNCILMEMBER COMMENT

Councilman Dale thanked the public for showing up for the meeting tonight, and expressed his concerns of the recent Tundra Drums Newspaper editorial of City Council secret meetings.

Councilman Warner expressed the concern of Council dealing with media and other Councilmember concerns should be dealt with privately and not during public meetings; further expressed that Council was there 1 purpose only & that was for the people's purpose.

Councilman Hohman disagreed with Councilman Warner and expressed his concerns that public meetings are the place to make comments to defend themselves when dealing with the media misinformation to the public.

COUNCILMEMBER COMMENT  
continued

Mayor Kelly concurred with Councilman Warner and expressed her concern that Council table should be dealt with business and time also being short; further expressed that she does not want to see it as battle ground.

Councilman Hoffman reported to Council that the library heat line issue will be discussed further later during the meeting. He further expressed concern of the Animal Control Officer's duties and Police Department Officers. He complaint that the dog catcher was called to duty and a Police Officer doing his duty in shooting a dog; further indicated that the dog, to now, is still wounded in the shoulder and running around loose. Police Cheif Clayton expressed that he was not aware of the incident but indicated that the Animal Control Officer was a new employee and that he is currently being trained by the Police Department Officers. He further indicated that he would look into the matter of the wounded dog and asked Councilman Hoffman to come into his office anytime and meet with him on the matter.

Councilman Hohman further commented on the editorial of the Tundra Drums Newspaper; expressed that the editorial was in violation of public trust; no factual basis; felt if Council has violated open meetings law, than someone should file suit.

Councilman Trantham reminded Council that he would be out of town from February 16th through March 7th to celebrate his father's birthday, and that he would not be able to attend the February 28th Council meeting.

Councilman Warner indicated that advertisement for City Manager Position should be started as soon as possible with closing date of March 31, 1989, and to advertise in Anchorage, Fairbanks, Juneau and Seattle with the previous City Manager job description.

REPORTS OF STANDING  
COMMITTEES

Lois Parker, member of Transportation Commission, indicated to Council that she would like to get a copy of the Commission regulations as to what they can and cannot do; further reported that Transportation Commission report will be given at the next Council meeting since the minutes were not done yet.

Councilman Trantham reported that the Public Works Committee was scheduled to hold their second public hearing on the water & sewer rate study at March 21, 1989; encouraged the public to attend.

Councilman Warner reported that the Planning Commission at their recent meeting was approached to lease City property out for restaurant purposes; request was denied by Planning Commission.

PEOPLE TO BE HEARD

Paul Gregory approached Council with a concern that some elderly Native people do not attend Council meetings although they would like to, since they cannot understand English language real well. Further indicated that some of the Native people feel that Council bickers too much during meetings and felt that personal conflicts should be taken care of other than on the Council table. Further expressed the concern of the River Taxi drop off points being limited; made an example of if they had happen to be in an emergency situation.

Harold Sparck of Yukon Kuskokwim Fisheries Task Force Committee approached Council with a request for minimum of \$500.00 donation to help with legal fees to help the State of Alaska on the Chum regulation matter. Indicated that most of the surrounding Municipalities were being petitioned to help with donation for legal fees to help with the Chum fish regulation.

motion

M/M by Hoffman, 2nd by Dale that City of Bethel donate \$500.00 from the Contingency fund to the Yukon Kuskokwim Fisheries Task Force to help the State with the Chum fish regulations. Poll vote, motion passed unanimously.

Mathew Beans requested Council to write a letter of concern regarding the mining grounds on their heavy minerals and chemicals disposal. Indicated it does effect the wildlife and underwater fish and mammals.

Grace Smith and Nastasia Markhum each expressed their concern as to why the public was not notified as to why the City Manager's contract was not being renewed at the end of it's term. Further expressed that the public had the right to know as to the reasons of his dismissal; and on behalf of the public thanked City Manager Chinn for his good work and appreciation for his efforts while being City Manager. Councilman Trantham indicated that the evaluations had been done in executive session and that whatever was discussed in executive session could not be revealed to the public. Ms. Smith and Ms. Markhum still felt that the public deserved an explanation as to the reasons why his contract was not being renewed.

Before going on a break, Mayor Kelly asked City Attorney Hicks as to his opinion of the RFPs on the Ice Road Maintenance and the bids. City Attorney Hicks expressed that he felt the RFP was specific in asking for the per mile basis unit, and further expressed that the Hoffman/Langlie Co. bid was the low bidder and more responsive to the RFP. Council further discussed the issue with the City Manager and the two bidders. Councilman Hohman and Warner indicated that this should be handled by the City Manager; rest of the Councilmembers concurred.  
COUNCIL BREAK 10:03 PM to 10:15 PM.

PEOPLE TO BE HEARD

\* THIS IS A PARAGRAPH THAT IS TO BE INSERTED AFTER  
THE 5TH PARAGRAPH OF PAGE 4 OF THE 02/14/89 MINUTES:

City Attorney Hicks indicated to Council and the public that whatever was discussed in City Council executive session, could not specifically be discussed in public; unless otherwise Council puts together some public information about a certain subject, than what was discussed in executive session would remain confidential.

City Attorney Hicks further indicated to Council that under Councilmember comments, City Council members have the right to comment on anything they want, as long as it remains neutral and not in any way include profanity or as long as it isn't to ridicule a particular person.

UNFINISHED BUSINESS:  
Item A: Public  
Hearing Amend 3  
to Ord 180

PUBLIC HEARING AMENDMENT #3 to ORDINANCE #180 -  
ADMINISTRATIVE OVERHEAD CHARGES

motion

After Mayor Kelly opened the public hearing at this time. Paul Gregory expressed the concern of villagers being charged sales tax when they go to the local stores. City Manager Chinn explained that this was for the City of Bethel budget only. After hearing no further public input, Mayor Kelly closed the public hearing. Councilman Warner expressed that he was uneasy of passing the ordinance since he does not like to see taking money out of general fund. After further discussion, following motion was made. M/M by Hohman, 2nd by Dale to table Amendment #3 to Ordinance #180 until the final FY'88 audit and 6 months budget were received. Voice vote, motion carried.

Item B: Public Hearing  
Ord #187 - Land  
Disposal

PUBLIC HEARING ORDINANCE #187 - LAND DISPOSAL

motion

Mayor Kelly opened the public hearing at this time to Ordinance #187 - the Kemp Paulucci land disposal. Bill Bivens of BNC indicated that his position still stands in encouraging Council to pass Ordinance #187 and indicated that BNC was still interested since they in turn sub-lease to Kemp Paulucci. Wally Richardson as President of BNC encouraged Council to pass the ordinance. After no further public input was received, Mayor Kelly closed the public hearing. Councilman Warner indicated that it would be in the City's best interest to pass the ordinance.

M/M Dale, 2nd by Warner to pass Ordinance #187 with the following corrections: change 15,000 square feet to 15,713 square feet; and change value of disposal from \$3,750.00 to \$7,070.85. Poll vote, motion passed unanimously.

Item C: Travel  
Policies

TRAVEL POLICIES

motion

Councilman Trantham suggested adding an effective date of "upon execution" to the travel policies. Councilman Warner indicated that the short and precise version of the travel policies seem more appropriate, rather than having a 6 page travel policies. Some of the City employees recommended also that the shorter version of the travel policies be adopted but was suggested to also include travel section for the Mayor and the City Manager.

M/M by Warner, 2nd by Trantham to refer the two draft travel policies to the Finance Committee for a shorter and concise travel policies. Voice vote, motion carried.

Item D: City Lobbyist CITY LOBBYIST

Councilman Hohman basically reported that that at Special meeting this was put to a vote, but that the vote failed since a quorum vote was needed to pass.

Item E: Proposed  
Res #631-Capital  
Improve. Program  
FY'90

PROPOSED RESOLUTION #631 - CAPITAL IMPROVEMENTS PROGRAM FY '90

City Manager Chinn discussed with Council, Resolution #631.

motion

M/M by Warner, 2nd by Hohman to approve Resolution #631. Poll vote, motion carried. 5 - yes; 1 - no, Trantham.

Item F: City Manager  
Separation Proposal

CITY MANAGER'S SEPARATION PROPOSAL

City Manager Chinn at this time requested hesitantly that this item be postponed until after the audits were final since he was involved with it. Council concurred.

COUNCIL BREAK 11:00 PM to 11:07 PM.

NEW BUSINESS:

COMMITTEE/COMMISSION APPOINTMENT

Item A: Committee/  
Commission Appointment

Mayor Kelly nominated the following names to the following committees/commissions: Ward Sattler, Paul Longpre' and Ruth 'Wally' Richardson to the Transportation Commission; Terry Lantz to the Port Commission; Greg Roczicka to the Planning Commission and Andrew Haas to the PATC Advisory Board.

motion

M/M by Warner, 2nd by Dale to ratify Mayor Kelly's nominations. Voice vote, motion carried.

Item B: Delta Spirit  
2,000-John Stachelrodt

DELTA SPIRIT 2,000 - JOHN STACHELRODT

John Stachelrodt indicated that he was representing Delta Spirit 2000 which was a non-profit committee, in request that Council pass a resolution recognizing alcohol and drug abuse problem for the Bethel and surrounding community problem. City Council concurred in consenting in favor of passing their resolution in recognizing alcohol and drug abuse abuse in this community.

Item C: Library Heat  
Line Problems

LIBRARY HEAT LINE PROBLEMS

Councilman Hoffman and Norman Hogg of the Library Committee discussed with Council the heating line problem at the Library. Indicated that during the cold spell, the Library was cold with bearly any heat and very uncomfortable Library workers. After discussing this matter with Norman Hogg, Councilman Hoffman requested that this matter be looked into during the Audit work session of February 23, 1989 to see if they can help in some way in dealing with the heating line problem. Rest of the Councilmembers concurred.

Item D: Res #630  
Bethel Alcohol &  
Enforcement Prog.

PROPOSED RESOLUTION #630 - BETHEL ALCOHOL & ENFORCEMENT PROGRAM

M/M by Warner, 2nd by Hohman to approve Resolution #630. Voice vote, motion carried.

Item E: Introduction INTRODUCTION SALES TAX ORDINANCE  
Sales Tax Ordinance

M/M by Trantham, 2nd by Dale to introduce Sales tax ordinance and to hold public hearing on sales tax ordinance on March 14, 1989. Voice vote, motion carried.

Councilman Trantham requested that the sales tax ordinance packet along with the Attorney's comments be sent to the Finance Committee for final review.

Item F: Executive EXECUTIVE SESSION - PERSONNEL & LEGAL MATTERS  
Session

Before going into Executive session, personnel matter issue was discussed. Council asked City Manager Chinn as to what the status was on the personnel matter issue. City Manager Chinn indicated that a Personnel Technician position was going to be vacant soon and suggested to Council that the position be filled as soon as possible since the Admin/Personnel Officer will not be filled until after a new City Manager is hired.

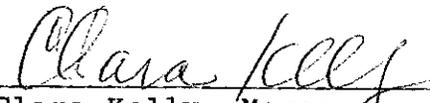
motion M/M by Warner, 2nd by Dale to give preliminary authorization to hire, on a full time basis, a Personnel Technician. Voice vote, motion carried.

Councilman Trantham indicated that under Personnel matter he would like to discuss Council self evaluation and City Manager's incomplete evaluation. City Attorney Hicks indicated for the public that Anderson case had been dismissed; Bethel Utilities case hearing scheduled for this Thursday; and Crowley case trial in 1st week of April and under executive session to discuss sales tax collection on the Guinn Case.

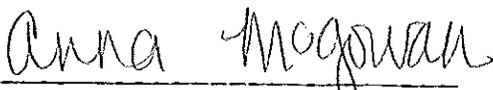
motion M/M by Dale, 2nd by Warner to go into executive session to discuss 1 legal matter and 2 personnel matters at 12:00 a.m. Voice vote, motion carried.

ADJOURNMENT M/M Warner, 2nd by Trantham to get out of executive session and to adjourn the meeting at 12:48 a.m. Voice vote, motion carried.

PASSED AND APPROVED THIS 14th DAY OF March, 1989.

  
Clara Kelly, Mayor

ATTEST:

  
Anna McGowan, City Clerk