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CITY COUNCIL MINUTES
OCTOBER 27, 1992

CALL TO ORDER Mayor Feaster called the regular Council meeting of October 27, 1992, to order at 7:30 PM.

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

APPROVAL/MINUTES M/M by Vanasse, 2nd by Warner to approve the minutes of the October 20, 1992, Special Council meeting as amended: Page 7, 2nd paragraph, last sentence change "being" to "before"; page 12, paragraph 6, last motion, change "program" to "project"; page 13, last motion, in parentheses remove "Warner." Voice vote. Motion carried unanimously.

APPROVAL/AGENDA M/M by Warner, 2nd by Jones, to approve the agenda as presented. Voice vote. Motion carried unanimously.

MAYOR'S REPORT Mayor Feaster referred Council to his written report and also reviewed the following items:

--Requested Council ratify his appointment of Julian P. Turner to the Finance Committee.

motion M/M by Vanasse, 2nd by Warner to ratify the appointment of Julian P. Turner to the Finance Committee. Voice vote. Motion carried unanimously.

--A Youth Services Committee has been conceptually established with Don Tubbs, Susan Rapoza, Eric Shrum and Jerry Abbott interested in serving; a resolution which would formalize the committee under the current committee structure will be introduced at the November 10, 1992, Council meeting. Councilman Trantham volunteered to serve as Council representative.

--Mayor Feaster commended City staff and the City Clerk for assistance in effecting a smooth transition after the City Manager's office was vacated.

Council next discussed appointing Nancy Gross, a former city manager for Cordova, to serve as Acting City Manager for Bethel. Mayor Feaster

referred Council to Ms. Gross' credentials including her previous acceptance of temporary city manager assignments during a City's search. It was further pointed out that Ms. Gross would not be available to begin an interim appointment until November 11, 1992, because of prior commitments.

motion

M/M by Trantham, 2nd by Vanasse that Acting City Manager Liu be appointed to serve for an additional two weeks as Acting City Manager. Voice vote. Motion carried unanimously.

MANAGER'S REPORT

Acting City Manager Liu reviewed his written Manager's report with Council on the following items:

--Recommended that the City sign the Temporary Easement (hold-harmless) Agreement with Bethel Native Corporation as recommended by the City Attorney. Acting City Manager Liu pointed out that once the letter of instruction for the lagoon survey has been received and signed and, assuming the temporary agreement is signed, construction on the project could begin immediately.

--Recommended the Council conceptually approve Bethel as the site for the asbestos repository and direct Administration to prepare a resolution for presentation at the November 10, 1992, Council meeting.

--Requested direction from Council concerning establishing a capital improvements priority list for submission to the City's lobbyist before the legislative session begins. Issues would include the seawall project and road improvement project.

**Decision was made to place discussion of capital improvements projects on the agenda for November 10, 1992. Council members and Administration are to prepare list(s) for discussion.

--Regarding the Tideland lease issue, recommended that Council approve going out for proposal to seek the services of a professional firm to prepare a land use plan for the reclaimed tidelands.

motion

M/M by Warner, 2nd by Trantham that the Council approve the Temporary Construction Easement between the City of Bethel and Bethel

Native Corporation. Voice vote. Motion carried unanimously.

motion

M/M by Vanasse, 2nd by Jones that Administration and the Planning Department prepare an RFP for the retention of a professional firm to prepare a land use plan for the reclaimed lands; Council reserves the right to reject any proposals. Voice vote. Motion carried unanimously.

**COUNCIL MEMBER
COMMENTS**

Councilman Harold Jones advised Administration that the culvert across from the VFW has not been repaired for a long period of time, pointing out this was a safety hazard. In response, Jerry Korthius, from Public Works stated that the Department has been backlogged and unable to repair it.

Councilman Wintersteen encouraged residents to visit the Halloween Haunted House, proceeds from which will go to the Teen Center. Mr. Wintersteen commended Mayor Feaster for his letter of response to Steve Eng from VSW. Further, Mr. Wintersteen stated that he was distressed about the manner in which former City Manager George Hohman was vacated from his office. Mr. Wintersteen expressed his satisfaction with the job Acting City Manager Liu was doing.

In response to Councilman Wintersteen's concerns about the vacating of Mr. Hohman's office, Acting Manager Liu stated that some of the reports made by the media were exaggerated and that he believed that the situation had been handled appropriately under the circumstances.

Councilman Metcalfe voiced the same concerns expressed by Councilman Wintersteen with regard to City Manager Hohman's resignation. In addition, Mr. Metcalfe stated that he had received a number of comments about how the decision was handled at the last meeting regarding Mr. Hohman's resignation, and requested that the Council avoid continuing to meet so late into the evening (or early morning hours) so that critical decisions are

made in the presence of the press and the public. Regarding obtaining legal opinions from the City's attorney, Mayor Feaster advised Mr. Metcalfe that the procedure has been to inform the City Manager of requests for a legal opinion prior to contacting the attorney. Additionally, contacts with the City Attorney are tracked through the billing process.

At 8:30 PM Council Member Comments were suspended to hear from people in the audience as required by Resolution.

PEOPLE TO BE HEARD

Bev Hoffman advised Council that on Wednesday, October 21, 1992, she was made aware that the new City Administration was not going to approve the use of the Bojangles Building by the Lifesavers organization for its Halloween fundraiser dance for safety reasons. Ms. Hoffman stated that she was disappointed and upset by this decision because the dance had been widely advertised and notification of this decision was made only a few days before the dance was to be held. Ms. Hoffman further stated that she was appealing that decision to the Council and requesting that Council allow the Lifesavers to hold the dance as scheduled. Mayor Feaster explained that at the October 20, 1992, Council meeting concerns about the safety of the building had been raised and that the Public Works Department had been asked to inspect the building and report on its findings. Acting Manager Liu reported that the inspection by Building Maintenance had taken place and the wiring problems (except for the second floor wiring) and other safety concerns had been corrected. Fire Chief Mark Barker also reported that during a fire inspection of the building he had enumerated several major items that required correction before the building could be occupied, such as installation of a second floor stairwell, exit lights, fire extinguishers, smoke alarm systems, etc.

motion

M/M by Warner, 2nd by Trantham that the Fire Department furnish the Acting City Manager with a list of deficiencies by 10:30 AM, October 28, 1992, and correct those

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deficiencies, if at all possible, to allow the first floor to be used October 31, 1992, for the Halloween dance. If the City Manager determines that the repairs cannot be completed by the 31st, inform the Lifesavers of that fact on the 28th. Voice vote. Motion carried unanimously.

Warren Manwill, representing the Chamber of Commerce, reiterated that the Chamber's interest in the old City Office building was as an information center for tourists and the public and to house the Chamber records.

Bev Hoffman also expressed her support for the adult programs through funding of the gym use agreement.

**COUNCIL MEMBER
COMMENTS (cont'd)**

Repeating Councilman Metcalfe's concern about late night meetings, Mayor Feaster suggested that council members consider alternatives to meeting into the early morning hours, such as extending past 10:00 PM for only half an hour and then completing agenda items the next evening; otherwise adjourn at a reasonable hour.

Councilman Vanasse stated that he was disappointed not to see the invitation for bid for the purchase of the backhoe in the packet, and pointed out that the bid was so specific that it appeared to cut out competitive bidding. Mr. Vanasse further pointed out that if that was not the wishes of Council then some action should be taken.

Councilman Trantham expressed his appreciation for the additional administrative work carried out by Mayor Feaster in the past week. Councilman Trantham also expressed his displeasure at an effort conducted by some members of the community to discredit the Bethel City Council and the Police Department and explained to the public that the information being disseminated was incorrect.

**REPORTS OF STANDING
COMMITTEES**

Mayor Feaster reported that at last week's meeting of the Solid Waste Committee, the

asbestos repository plan was discussed. The federal government is responsible for funding the removal and storage of the asbestos and it may be of benefit to the City to be involved in the project. Discussion of the asbestos repository plan will be placed on the agenda for the November 10 Council meeting.

Councilman Vanasse reported that the Public Safety Committee met on Wednesday, October 21, and referred council members to the minutes. Action taken included endorsing an amendment to the curfew ordinance. Council agreed to place an introduction to the ordinance on the November 10 agenda.

Councilman Wintersteen reported that the Port Commission was scheduled to meet on November 16, 1992, 7:30 PM at the Port Office.

Councilman Metcalfe reported that the Planning Commission met October 22; minutes of that meeting were unavailable. Councilman Warner attended the meeting of the Planning Commission and reported that the Commission recommended: 1) seek the services of a professional firm to develop a land use plan for the Tidelands project; and 2) that the Council recommend to the State Department of Transportation the vacation of that portion of Second Avenue that lies on the City property at the Dock.

OLD BUSINESS:

Item A: Old City
Office Bldg.

DISPOSAL OF OLD CITY OFFICE BUILDING

Mayor Feaster opened this portion of the meeting by explaining that the City had gone out for bid for disposal of the old City Office building, but Council had rejected the two bids that had been received. Since that time, however, some interest in the use of the building has been expressed by the following persons/organization: 1) Archie Barnes; 2) the Chamber of Commerce; and 3) the City Port. Council members next discussed the proposals that had been presented to them for use of the building, as well as the option of retaining the building for City use to either: 1) house a pumphouse operator should the City reactivate the old Nicholson well, or 2) house

an individual at the dock who would help provide around the clock security to the Port. Councilman Wintersteen reported that the Port Commission had made several recommendations for dealing with the security problem, one of which was to move the old City office building to the Port and that someone live in the building on a permanent basis. Council requested Administration seek the City attorney's opinion with regard to the question of liability should an individual (either an employee or a non-employee) live at the dock.

motion

M/M by Warner, 2nd by Trantham that the City retain ownership of what is commonly referred to as the old City office building. Poll vote. Motion carried. 5-yes; 2-no (Jones, Vanasse).

motion

M/M by Wintersteen, 2nd by Metcalfe that what is known as the old City office building be moved to the City Dock for use in the security arrangement of the dock.

Because the motion dealt with a matter of security at the dock which was an agenda item to be examined later in the meeting, the motion was withdrawn.

**Item B: Pacifica
Lease**

**LEASE WITH PACIFICA INSTITUTE FOR BUS BARN AND
BOJANGLES**

Mayor Feaster stated that the Council would be addressing those items in the lease with Pacifica Institute that had not been resolved at the last Council meeting and were tabled to the October 27 meeting: 1) term of the lease; 2) the maintenance clause; and 3) deferral of rent to allow for correction of safety problems in the Bojangles building. Diane Carpenter of Pacifica Institute addressed the issue of rent deferral pointing out that a number of repairs were needed before the Bojangles building could be occupied and thus hoped the City would defer the rent while the building was being repaired. Jerry Korthuis reported the building as a whole was in good shape. The major items that required correction were: 1) Installing an exit stairway from the second floor to the first

floor; 2) installing a first floor handicap ramp; and 3) upgrading the second floor wiring. In response to questions from the Council regarding the cost of materials for these three projects, Mr. Korthuis estimated no more than \$10,000. Following some discussion, it was decided that the City and Pacifica would enter into a cooperative agreement whereby the City would provide materials not to exceed \$10,000 and Pacifica would make arrangements for the labor.

The next issue addressed by the Council was the notification by the Public Works Department of the necessity of finding a building to store snow removal equipment. This necessity arose because it was required to service and store the sewer lagoon equipment at the City Shop. Among the options discussed were a sublease and a transaction in which monetary compensation would not take place. Both options were rejected.

motion

M/M by Warner, 2nd by Vanasse to approve the lease agreement between the City of Bethel and Pacifica Institute for the Bus Barn and Bojangles with the following amendments made to the lease as it was presented: Section VI, last sentence, "The City will provide materials up to a maximum of \$10,000 for construction of a handicap ramp, a second story stairway, and electrical repairs to the second floor; Section VII, second paragraph, first sentence, add the word "major" in front of the word "mechanical," delete that part of the first sentence that reads "however, that Lessee shall perform at its own expense all repairs necessary to bring the electrical wiring on the second floor of the Bojangles Building into conformance with the National Electrical Code", and add to the beginning of the second sentence the words "Except for emergency heating repairs necessary to prevent freeze up of the building... ." Poll Vote. Motion carried. 6-yes; 1-no (Jones).

In addition, Ms. Carpenter agreed that the lease would become effective October 31, 1992, so that there would be liability coverage for

the Lifesavers dance, and the option to renew would be for one period of five years.

NEW BUSINESS:

Item A: Amend.
#2 To Ord.#203

**INTRODUCTION OF AMENDMENT #2 TO ORDINANCE #203
--FY 93 BUDGET: GYM USE AGREEMENT**

motion

M/M by Vanasse, 2nd by Metcalfe to introduce Amendment #2 to Ordinance #203 for public hearing to be held November 10, 1992. Roll call vote. Motion carried unanimously.

Regarding the gym use agreement, Finance Director Larry Elam advised Council that there is no contract to sign. If Council approves the amendment the City simply pays for use of the gymnasium(s) by the hour.

Item B: Amend.
#2 to Ord. #163

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

motion

Mayor Feaster explained that this amendment to the purchasing ordinance concerns procurement of insurance which had been before Council previously in a different form. The first amendment was voted down, and the Finance Committee has provided a different method for obtaining insurance through amendment #2.

M/M by Warner, 2nd by Trantham to introduce Amendment #2 to Ordinance #163 for public hearing to be held November 10, 1992. Voice vote. Motion carried unanimously.

Item C: Gaming
Permit Appls.

**GAMING PERMIT APPLICATIONS--UNIVERSITY OF
ALASKA, FAIRBANKS AND ONC**

motion

M/M by Trantham, 2nd by Jones to approve the 1993 Gaming Permit Application for University of Alaska, Fairbanks. Voice vote. Motion carried unanimously.

motion

M/M by Trantham, 2nd by Jones to approve the 1993 Gaming Permit Application for ONC. Voice vote. Motion carried unanimously.

Item D: Res. #719

RESOLUTION #719--MUNICIPAL ASSISTANCE FUNDING

Larry Elam explained that Resolution #719, if approved, was required if the City was to

participate in the FY 93 Municipal Assistance funding.

motion

M/M by Trantham, 2nd by Metcalfe to approve Resolution #719 as presented. Voice vote. Motion carried unanimously.

**Item E: Security
at the Port**

SECURITY AT THE PORT

Port Director, Stuart Greydanus, referred Council to the proposal submitted by the Port Commission which outlines recommendations for providing increased security at the City Dock in response to the rise in theft and vandalism.

motion

M/M by Warner, 2nd by Jones that the Council concur with the Planning Commission's recommendation to request the State Department of Transportation vacate 2nd Avenue right-of-way that lies on the City Dock. Voice vote. Motion carried unanimously.

Councilman Warner pointed out that the motion from the Planning Commission was to recommend to the State that if they consider this they should hold a public hearing.

On the other items recommended by the Port Commission, it was suggested that the Port Director provide costs, except for the lighting which is covered in the budget.

motion

M/M by Trantham, 2nd by Jones that Item E be tabled to November 10 and that costs for the purchase of equipment, moving of the old City office building, and installation of a security system be presented. Voice vote. Motion carried unanimously.

**Item F: Small
Boat Harbor
Dredging**

SMALL BOAT HARBOR DREDGING

Mayor Feaster explained that at the October 20 meeting, Council had discussed the concept of dredging the small boat harbor in-house. The motion was to table the issue with no direction given to Administration. Acting City Manager Liu reported that following the meeting he had given direction to Sonny Davis to begin dredging the small boat harbor

because the purchasing ordinance does not prohibit conducting this type of project in-house and the equipment needed to accomplish the project was available, equipment for which lease payments were currently being made. In response to a question on the reliability of the projected cost of \$65,500 (including 17 percent overhead) to complete the project, Jerry Korthuis assured Council that this figure was accurate.

motion

M/M by Warner, 2nd by Trantham if the dredging project at the small boat harbor, including all aspects of it (trucking, etc.), will impact the sewage lagoon project then at that point Council revisit the issue to consider contracting out the remaining parts of the project. Poll vote. Motion carried. 5-yes; 2-no (Feaster, Vanasse).

Councilman Warner asked to revisit an earlier issue before going into Executive Session.

motion

M/M by Warner, 2nd by Metcalfe that the City hire Nancy Gross as interim City Manager beginning November 11 and that until that time the Police Chief continue to act as City Manager. The hiring of Ms. Gross will be subject to approval of the financial terms. Voice vote. Motion as amended carried.

Councilman Warner stated that by making the motion he was not attempting to denigrate Acting City Manager Liu's performance in the last few days as City Manager. Mr. Warner further stated that he felt that Mr. Liu or other department heads have substantial responsibilities and the Council should make every effort to maintain stability by not burdening them with additional responsibilities.

motion

M/M by Trantham, 2nd by Wintersteen to amend the motion by making the hiring of Ms. Gross subject to approval of the financial terms. Voice vote. Motion carried.

motion

M/M by Warner, 2nd by Jones that the City enter into negotiations with Ms. Gross to act as interim City Manager beginning November 11

or as agreed upon afterwards, the maximum term not to exceed two months; compensation offered to be the same as City Manager Hohman was paid on a daily basis; travel expenses will be subject to negotiation and approval by Council. Roll call vote. Motion carried unanimously.

Councilman Trantham stated for the record and other council member concurred, that the action taken to hire Ms. Gross does not reflect on Acting City Manager Liu in any way, shape or form in a negative manner.

Item E: EXECUTIVE SESSION

motion M/M by Vanasse, 2nd by Jones to go into Executive Session for the purpose of discussing: 1) deliberation of the bid process appeal; and 2) legal issues--Regina Nayamin & Paul Woodford vs City of Bethel; Margie Evon vs. City of Bethel; Leroy Peters vs. City of Bethel. Voice vote. Motion carried unanimously.

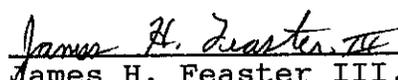
motion M/M by Warner, 2nd by Jones to come out of Executive Session. Voice vote. Motion carried unanimously.

motion M/M by Warner, 2nd by Jones that the appeal of the bid process on the excavator by Mr. Faulkner be denied. Voice vote. Motion carried unanimously.

motion M/M by Warner, 2nd by Jones that the Acting City Manager be authorized to reimburse Mr. Faulkner for the cost of his bid preparation not to exceed \$200. Voice vote. Motion carried unanimously.

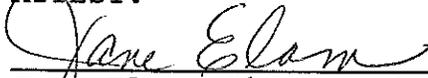
motion M/M by Vanasse, 2nd by Jones to adjourn. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 10TH DAY OF NOVEMBER, 1992.


James H. Feaster III, Mayor

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ATTEST:



Jane Elam, City Clerk