
City of Bethel, Alaska

City Council Minutes

February 26-04

Special Meeting

Bethel, Alaska

CALL TO ORDER

A special meeting of the Bethel City Council was held on February 26, 2004 at 6:30 p.m. in the Council Chambers, Bethel, Alaska.

Mayor Short called the meeting to order at 6:30 p.m.

ROLL CALL

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

R. Thor Williams	Dave Trantham
Hugh Dymont	Stanley "Tundy" Rodgers
Andrei Jacobs	Hugh Short, Jr., Mayor

Excused absence(s):

Unexcused absence(s):

Also in attendance were the following:

Bob Herron, City Manager
Amanda Roudebush, City Clerk

PEOPLE TO BE HEARD

Willy Keppel

- Requested a Resolution in support of a local co-op
- Spoke about there not being any real competition in the City
- Recommends to sit back and wait to see what will happen in Nome before we announce a decision as a City

Oley Olson

- Wants the City Council to wait for a week or so before making a decision with the attorney to see what will happen with lawsuit already in progress in Nome

Carl Berger

- Make sure Council goes into Executive Session properly
- He does not excuse Dario Notti from missing meeting

Council Member Dario Notti arrived at meeting at 6:41 P.M.

PUBLIC SESSION

City Manager Herron gave report on the current status of, and potential developments in, the proposed Crowley-Yukon Fuel merger. Because of the lawsuit filed in Nome by the WAFG, the Attorney General suspended the requested investigation into the merger by the City of Bethel for financial reasons. He then over turned that decision after he met with the Nome plaintiff's, Defendants, and the City of Bethel. The Attorney General has asked the City to suggest any proposed conditions that it should consider if it decides to fashion a consent decree.

The City of Bethel's attorney, Louann Cutler, and City Manager Bob Herron then suggested that the meeting adjourn to Executive session.

Questions directed to Ms. Cutler about the legality of the Executive Session. The Council wanted details as to how and why it is legal.

MOVED BY:	Trantham	To waive Attorney/Client privilege to discuss the memo by the City Attorney dated 2-25-04 to discuss the reasons of going into Executive Session
SECONDED BY:	Rodgers	

Discussion ensued about the legality issues of the past and the present. Council wants an explanation. Ms. Cutler explained that there will be discussion of a legal strategy and a direction qualifying this as a legal Executive Session. It is argued that the People Right to Know will be protected.

VOTE ON MOTION	Motion Fails 3-4 (Short, Notti, Williams, Dymment)
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MOVED BY:	Williams	To go into Executive Session to seek advice from and provide direction to the City Attorney regarding the Crowley / Yukon Fuel merger and whether to join the current litigation, file a new lawsuit, seek and hire an expert to evaluate the merger, and/or participate in the Attorney General's investigation and formulation of a consent decree.
SECONDED BY:	Dymment	

Discussions ensued about the Open Meetings Act and the People Right to Know. Talks included explanations by the City Attorney about an Executive Session and why one is needed now. Arguments for the citizen's right to know, and not to adjourn to Executive Session for fear of violation of the Open Meetings Act. The Council is here to represent the citizens of Bethel. This about the need for fuel competition in Bethel. The Executive Session is to make a strategy to keep the competition in Bethel.

MOVED BY:	Rodgers	To call the question
SECONDED BY:	Jacobs	

VOTE ON MOTION	Motion Fails 4-3 (Trantham, Rodgers, Jacobs,)
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VOTE ON MOTION	Motion Fails 3-4 (Jacobs, Rodgers, Trantham, Dymment)
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Council Member Dymment tried to make another motion to go into Executive Session. He then tried to recant his vote due to a misunderstanding with the reading of the motion. Because it was already made and voted on, Mayor short decided to move on Council Member Comments.

COUNCIL MEMBER COMMENTS

Council Member Rodgers apologized for outburst. Drive carefully, and go hug an elder.

Council Member Trantham spoke about the clarification question he asked of the Attorney. He spoke about the history of Executive Sessions in Bethel. He explained that he only wanted to make certain that the Executive Session scheduled was legal. Spoke of respecting each others opinions and feelings.

Vice Mayor Williams spoke about when the Council goes into Executive Session, it is helping the community, not trying to hide anything. If Council has to go into Executive Session to get direction from Council, then that is for the betterment of the community.

Council Member Jacobs like the interacting of this meeting.

Council Member Dymont although disagreements occur, every body has the best of our community in mind, Council just doesn't agree about how to get there. He spoke about his confusion and how he thought that this particular issue should wait to be discussed in Executive Session. This issue is very important and will affect the community for years after the Council makes a firm stand on what to do.

Mayor Short reminded Council to make sure they follow the Robert's Rule of Order. He read the top ten rules.

APPROVED THIS 9th day of March 2004.

ATTEST:

Hugh Short, Jr., Mayor

Amanda Roudebsuh, City Clerk