

CITY COUNCIL

Antone Anvil
Dario Notti
Mike O'Brien
Agnes Phillips, Mayor
Stanley Rodgers
Karol Sanchez-Pobrislo
Thor Williams



INTERIM CITY MANAGER

George Young

ACTING CITY CLERK

Laurie Walters

MINUTES
City of Bethel Council Meeting

April 28, 1998

I. CALL TO ORDER

Mayor Phillips called the meeting to order at 6:05 p.m. at the Log Cabin, Bethel, Alaska.

II. ROLL CALL

Present: Anvil, O'Brien, Phillips, Rodgers, Sanchez-Pobrislo, Williams

Absent: Notti

Also Present: Interim City Manager George Young, Acting City Clerk Laurie Walters

III. EXECUTIVE SESSION: CITY MANAGER CONTRACT NEGOTIATIONS

motion M/M by Rodgers, 2nd by Sanchez-Pobrislo to go into Executive Session at 6:07 p.m. for the purpose of discussing City Manager contract negotiations with Robert Herron.

vote Voice vote. Motion carried unanimously.

motion M/M by O'Brien, 2nd by Williams to come out of Executive Session at 7:50 p.m.

vote Voice vote. Motion carried unanimously.

motion M/M by Rodgers, 2nd by O'Brien to approve the negotiated City Manager contract as amended effective May 4, 1998.

vote Voice vote. Motion carried unanimously.

Council member Williams addressed the Council, reading a prepared statement regretfully resigning from his seat on the Council, effective April 29, 1998.

Mayor Phillips accepted the resignation and Mr. Williams left the meeting.

The Council took a 5-minute break. Mayor Phillips called the meeting back to order at 8:00 p.m. and announced that the Council and Mr. Herron had come to an agreement on the terms of the contract and that he would be starting on Monday, May 4.

IV. PEOPLE TO BE HEARD

George Hohman spoke on behalf of Frank Mustafa who had been denied his application for a chauffeur's permit by the Police Department on the basis of his bootlegging conviction over 5 years ago. After some discussion, the Council concluded that all that needed to be done was for Mr. Mustafa to reintroduce his permit application to the Police Department.

Dave Trantham addressed the Council stating his support for the many volunteers that Bethel has, and encouraged the Council to do a proclamation thanking Bethel's volunteers. Mr. Trantham noted that he had received a call from Chris Cantabury of the offices of Preston, Gates, & Ellis regarding the BIA oil spill and spoke to Chris for over an hour. Mr. Trantham concluded by stating that Green-Up, Clean-Up Committee each year tries to raise some money for bicycles for the kids and that the Committee would appreciate any P.R. the Council may be able to provide.

V. APPROVAL OF THE MINUTES

Mayor Phillips noted that on page 2 of the April 14 minutes under Mayor's Report it should be Senator Murkowski. Mayor Phillips noted several other typos in the minutes of April 14 and April 20. Council member Sanchez-Pobrislo noted an error on page 4 of the April 14 minutes; this was not the same complaint or the same complainant as the issue mentioned at a previous Council meeting.

motion M/M by O'Brien, 2nd by Rodgers to approve the minutes of April 14 and April 20, as corrected.

vote Voice vote. Motion carried unanimously.

VI. APPROVAL OF THE AGENDA

Mayor Phillips asked that New Business Item E: Council Member Vacancy be added to the agenda, and that Old Business Item B: Public Hearing of Ordinance 98-05 Authorizing the Disposal by Lease of an Interest in Real Property in Furtherance of the Development of Local Trade or Industry to General Communication Incorporation (GCI) be removed from the agenda.

motion M/M by Rodgers, 2nd Sanchez-Pobrislo to approve the agenda as amended.

vote Voice vote. Motion carried unanimously.

VII. MAYOR'S REPORT

Mayor Phillips thanked Bob Herron for accepting the position of City Manager and welcomed City Clerk candidate Gaye Vaughn to the meeting. Mayor Phillips stated that she had received a fax from the Bethel Health Center requesting the Council do a proclamation for teen pregnancy prevention month. Ms. Phillips informed the Council that the City Clerk would prepare the proclamation for her signature if there were no objections from the Council. No one from the Council spoke against the proclamation.

Council member Rodgers inquired about the letter from Gilbert Hendrickson in the packet and questioned Interim City Manager Young as to whether anything action had been taken. Mr. Young reported that the Public Works Director was working on correcting the problem and that the problem was a little more involved than it appears.

VIII. CITY MANAGER'S REPORT

Interim City Manager Young pointed out the department head reports in the packet and then moved on to the correspondence part of his report. Mr. Young referred Council to the following issues:

Janitorial Services of Kagista Janitorial

Mr. Young pointed out the letter from Bob Carlson of DEC stating his dissatisfaction with the janitorial services and requesting immediate action be taken to prevent a repeat of the problem. Mr. Young reported that the janitorial service had been contacted and the City was expecting great improvement of the services. Mr. Young recommended terminating the contract, if additional measures to correct the problem fail. No recommendation from the Council.

Owl Street Park

Mr. Young stated that it appeared there was some confusion as to what the City offered to provide for the park, and that Administration wished for clarification. Mr. Young voiced his concern that if the City had offered to supply and haul sand to the site, many of the other Public Works Department projects would not get done. Council member Rodgers replied that the City had agreed only to supply the sand, not haul.

Old Fire Station Disposal

Mr. Young referred the Council to the letter from Lisa Powell requesting that she be allowed to purchase the property where the building currently is located because she had been unable to find a contractor able or willing to move the building. Mr. Young noted that the building is in sore shape, and that it would not be in the best interest of the City to allow the building to remain on City property nor would selling what little property the City still owns. Mr. Young recommended that the City allow the Letter of Agreement with Ms. Powell to lapse and then entertain the idea of disposal by demolition.

motion M/M by Rodgers, 2nd by O'Brien to follow the suggestion of the Interim City Manager to let the Letter of Agreement expire and then demolish the building.

vote Voice vote. Motion carried unanimously.

Interim City Manager Young then reported back to the Council on the questions posed at the meeting on April 14. Those issues were:

- Update on the two death cases-referred to DA's office
- Trash pump for Port-being ordered
- Personnel files of previous employee's-located
- DEC Grant/Loan Applications-completed and turned in
- Council member Sanchez-Pobrislo's citizen complaint-getting services and working on the other problems

Interim City Manager Young concluded his report to the Council by noting that they had all received a draft copy of the City Manager's proposed FY1999 budget and that the Council needed to set the schedule for the budget work sessions.

The Council, by consent, set budget work sessions for 6:30 p.m. on April 13, April 20 & 21.

Council member O'Brien interjected his thanks on behalf of the Council for George Young's work as Interim City Manager, adding that the Council could not have gotten through the past month without him.

IX. REPORTS OF STANDING COMMITTEES

Mayor Phillips read the Finance Committee's recommendation to change from a committee to a commission.

Mr. Robinson stated that as he understood it from the Chairman, the intent of the recommended change from a committee to commission status was to allow them to function as a hearing board on sales tax issues.

Public Works Committee

Council member O'Brien reported that the Committee met on April 17 and discussed the budget, including the acquisition of pick-up trucks, and the issue of the Hitachi EX700.

Port Commission

Council member Rodgers reported that due to lack of a quorum the Commission did not meet as scheduled, but that at the last meeting the Commission discussed granting Datu Samuelson lifelong free moorage at the small boat harbor.

motion M/M by O'Brien, 2nd by Anvil to appoint Datu Samuelson as the Honorary Boat Captain of the small boat harbor and grant anyone whom reaches the age of 94 free moorage at the small boat harbor for life.

vote Voice vote. Motion carried unanimously.

Mr. Rodgers concluded by noting that the next meeting is scheduled for May 18, and that the Port Director would be issuing boat harbor slips on Friday, May 8.

Public Safety Commission

Council member Anvil reported that he had again been unable to attend the Public Safety Commission meeting due to another special Council meeting, and added that he may miss the next meeting on May 4 at 6:00 p.m. because of a scheduling conflict.

Mayor Phillips requested that Mr. Anvil arrange for a member of the Public Safety Commission to report to the Council at their next meeting, if he was unable to attend the meeting on May 4.

Senior Advisory Committee

Mr. Anvil reported that he had attended the Youth and Elders Conference and that it was very good, especially having the primary school age children visit during the conference.

Finance Committee

Mayor Phillips stated that she had given a report at the last meeting.

Youth Services Committee

Council member Sanchez-Pobrislo reported that the meeting will be May 12, and reminded the Council and those in the audience of the upcoming Youth Services events.

X. OLD BUSINESS

Item A: Public Hearing on Ordinance #98-04 Amending the FY-1998 Budget

Mayor Phillips opened the Public Hearing on Ordinance #98-04.

Acting Police Lieutenant Jim Brogdon stated that he had never been asked about this and that it was unfair that the department was being penalized for something that happened over three years ago.

Interim City Manager Young responded to Acting Lt. Brogdon concerns stating that under strong guidance by the City Council, Administration did not feel that a modification to the City's cash reserves was appropriate when the Police Department appeared to have unexpended money in the capital expenditures line item and personnel line item. Mr. Young added that a department has no control over the personnel budget or the capital budget, that responsibility lies solely with the Council.

Seeing that there was no one else to speak, Mayor Phillips closed the Public Hearing.

motion M/M by O'Brien, 2nd by Anvil to adopt Ordinance #98-04.

vote Roll call vote. Motion carried unanimously.

Item C: Resolution #98-12 Endorsing and Authorizing ONC to Apply for a Community Grant under the Magnuson-Stevens Disaster Grant Program

Interim City Manager Young read a memo from City Planner John Malone, which stated that he had spoken with ONC concerning the grant. They were proposing that the grant money be used to construct additional main trunk sewer lines in the 4th Avenue to 7th Avenue area of the city, which is part of the Phase 1 service district in the adopted Dames & Moore 1996 sewer and water master plan. Mr. Young stated that it was necessary that the Council give their conceptual approval tonight to allow ONC to immediately begin the grant application process in order to meet the May 15 submittal deadline.

Council member O'Brien stated his overwhelming approval for the proposed project and the use of the grant money.

motion M/M by O'Brien, 2nd by Rodgers to adopt Resolution #98-07/98-12.

vote Voice vote. Motion carried unanimously.

Additional discussion followed and City Administration was reminded that it would be necessary for the grant match to be placed in proposed FY99 budget.

XI. NEW BUSINESS

Item A: Discussion-Police Chief under Supervision of City Council

Council member Rodgers stated that he has seen how much pressure the supervision of the Police Department has placed on the Interim City Manager, and the former City Manager. Mr. Rodgers suggested that it may be easier for the new City Manager to handle the work load of the position if the Police Chief reported directly to the Council.

Mr. Herron was asked to comment on the suggested change. Mr. Herron stated that not knowing the exact situation, he would suggest following the desires of the Council for now and maybe revisiting the issue of changing back to the current status at a later date after he has been City Manager for a while.

The Council agreed by consent to have an introduction of an ordinance at the next meeting to have the Police Chief report directly to the City Council.

Item B: Discussion-Changing Length of Term for City Council Seats

Council member Rodgers stated that he was proposing an ordinance be drafted to set the length of terms for Council seats for something more than the current length. Mr. Rodgers stated that a Council could be more effective if they were on the Council longer.

Council member Sanchez-Pobrislo pointed out that there is an election each year and that the length of time a Council member sits on the Council is determined at the polls by voter approval.

Council member O'Brien noted that some seats on the Council only serve for one year, which creates too much turn over on the Council for any continuity to be present.

Council member Rodgers concluded that with one and two years terms, just about the time you are getting comfortable to the other Council members and start really being able to work together, the face of the Council changes and it's hard to get anything accomplished that way.

Council agreed by consent to place on the May 26 agenda an introduction of an ordinance to lengthen the terms on Council seats to three years.

Item C: Discussion-Water/Sewer Benefits for Management Employees

Council member O'Brien stated that he had place this item on the agenda for discussion because he believes there is a major discrepancy between benefits for management employees and those of classified employees. Mr. O'Brien continued that he didn't necessary believe that management employees get their benefit by way of a paycheck, but does think that the benefits for management should not be a such high scale than those of classified employees. Mr. O'Brien added that he would like to see the benefits for management employees and Union employees more closely matched.

Council member Rodgers stated his agreement with Mr. O'Brien's comments that there should be benefit equality among all City employees, including those in management.

motion M/M by O'Brien, 2nd by Rodgers to standardize the employee benefit cost for union employees, as well as non-union employees at \$50 a month.

vote Voice vote. Motion carried unanimously.

Council took a 5-minute break at 9:37 p.m. Mayor Phillips called the meeting back to order at 9:46 p.m.

motion M/M by Rodgers, 2nd by Sanchez-Pobrisio to suspend the rule and go past 10:00 p.m.

vote Voice vote. Motion carried unanimously,

Item D: Discussion-Finance Committee Change to Commission

Mayor Phillips stated that the purpose of the Committee's recommendation was to allow a Commission to review appeals of sales tax issues. Mayor Phillips noted that the Council could take the option of appointing a hearing committee instead. Mayor Phillips suggested that because many of the Committee member themselves have been audited, they may have a conflict of interest.

Council member O'Brien responded that the City already has too many committees and commissions and has a difficult time keeping staffed those currently in place. Mr. O'Brien reported that the disputes reported earlier seem to have been cleared up. In conclusion, Mr. O'Brien reminded the Council that they have entrusted the Committee to redo the sales tax ordinance and stated that he can think of no one better to review the disputes that may arise than those who have help to devise the ordinance.

Mayor Phillips asked Mr. Robinson what his feelings were on the proposed change. Mr. Robinson noted that there are several contributing factors to the disputes of sales tax issues.

The first of which is that the sales tax ordinances lack any enforcement, rules or the boundaries of record keeping, penalties and interest, and secondly, poor record keeping on the part of the business owner. Mr. Robinson suggested that the City make the rules black and white, leaving no room for interpretation, and utilize a local audit firm for sales tax audits, which would make it much more cost effective to have the third party available for meetings with business owners. Mr. Robinson stated that it may be best to wait and see if the sales tax ordinance changes improve the situation before moving on the recommendation of the Finance Committee to go to a Commission.

Item E: Council Member Vacancy

In response to resignation of Thor Williams at the beginning of the meeting, Mayor Phillips declared the Council seat vacant. Mayor Phillips directed the Acting City Clerk to advertise for the Council seat vacancy and to place it on the agenda for the next meeting.

XII. COUNCIL MEMBER COMMENTS

Sanchez-Pobrislo-Stated that she is extremely happy that Mr. Herron will be working for them. Congratulated those BRHS band members who will be going to State.

O'Brien-Welcomed Mr. Herron aboard. Pointed out the letter and legislative citation from Ivan Ivan office to former City Clerk L.J. Warren. Requested that the original and a letter of thanks from the Council be sent to Ms. Warren. Reminded community of the deteriorating ice conditions.

Rodgers-Welcomed Mr. Herron. Thanked Interim City Manager Young for all his hard work. Offered condolences to the family of the young lady who lost her life. Stated that the region loses too many people on the ice. Thanked the City Council for continuing to work together to hire a City Manager and City Clerk.

Anvil-Welcomed Mr. Herron. Reminded everyone that the ice road is going out and suggested that a river patrol be organized.

Phillips-Thanked George Young for being Interim City Manager and Laurie Walters for being Acting City Clerk while the Council worked to fill the positions.

Mr. Young interrupted Mayor Phillips to pass on his thanks and appreciation to those employees and department heads who helped so much during the last month while he was Interim City Manager.

Phillips-Congratulated Henry and Grace Hunter on their 29th wedding anniversary. Thanked Gaye Vaughn for traveling to Bethel to meet with the Council.

Mayor Phillips pointed out the memo from the Acting City Clerk concerning the invoice from City Manager candidate Walter "Mike" Johnson and the recommendation made by the Clerk.

motion M/M by O'Brien, 2nd by Rodgers to reimburse Mike Johnson in the amount of \$344.20.

vote Voice vote. Motion carried unanimously.

Interim City Manager pointed out that the invoice from Mr. Johnson was carbon copied (cc:) to his personal computer, Myron Angstman of Angstman's Law Office, and Aaron Spitzer of the Tundra Drums.

XIII. EXECUTIVE SESSION

motion M/M by Rodgers, 2nd by O'Brien to go into Executive Session for the purpose of City Clerk interview at 10:15 p.m.

vote Voice vote. Motion carried unanimously.

The Council took a 10-minute break before beginning the interview.

motion M/M by O'Brien, 2nd by Rodgers to come out of Executive Session at 10:40 p.m.

vote Voice vote. Motion carried unanimously.

motion M/M by O'Brien, 2nd by Rodgers to offer the position of City Clerk at the salary of \$45,357 to Gaye Vaughn, with the utility benefit offered to other City management employees.

vote Voice vote. Motion carried unanimously.

motion M/M by Rodgers, 2nd by O'Brien to go into Executive Session for the purpose of City Employee Retirement issues at 10:42 p.m.

vote Voice vote. Motion carried unanimously.

motion M/M by O'Brien, 2nd by Rodgers to come out of Executive Session at 10:45 p.m.

vote Voice vote. Motion carried unanimously.

XIV. ADJOURNMENT

motion M/M by O'Brien, 2nd by Sanchez-Pobrisio to adjourn at 10:46 p.m.

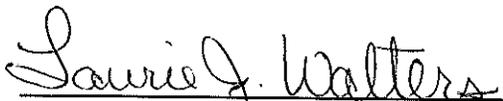
vote Voice vote. Motion carried unanimously.

PASSED AND APPROVE THIS 12TH DAY OF MAY, 1998



Agnes L. Phillips, Mayor

ATTEST:



Laurie J. Walters, Acting City Clerk