
City of Bethel City Council Meeting Minutes

April 14, 2009

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on April 14, 2009 at 6:30p, in the Council Chambers, Bethel, Alaska.

Vice-Mayor Leinberger called the meeting to order at 6:30p.

II. ROLL CALL

Members present:

Vice-Mayor Dan Leinberger

Council Member Eric Middlebrook

Council Member Joseph Klejka

Council Member Thor Williams

Council Member Beverly Hoffman

Mayor Tiffany Zulkosky (arrived telephonically 6:45p)

Council Member LaMont Albertson (arrived telephonically 6:45p)

Others present:

City Manager, Lee Foley

City Clerk, Lori Strickler

III. PEOPLE TO BE HEARD

Willy Keppel –

- Stressed to the council to review the Bethel Aquatic Training Center's real operating and construction costs to insure they know what they are spending their money on.
- Opposed the hiring of any attorney to represent the City on the Consent Decree between the State of Alaska and Crowley Marine Services.
- In favor of getting with Bethel Native Corporation to find out how they worked out their deal with the electrical company in Kotzebue.
- VSW money could be used to purchased wind turbines.

IV. APPROVAL OF THE CONSENT AND REGULAR AGENDA

MOVED:	Middlebrook	Motion to approve the consent and regular agenda.
SECONDED:	Williams	

MOVED:	Hoffman	Motion to set the Executive Session time certain 7:30p.
SECONDED:	Williams	
VOTE ON MOTION	All in favor	
MOVED:	Zulkosky	Motion to move item k, under new business to follow item b, under new business.
SECONDED:	Hoffman	
VOTE ON MOTION	All in favor	
MOVED:	Middlebrook	Remove items c, d, and e from the consent agenda.
MOVED:	Klejka	Remove item b, from the consent agenda.
MOVED:	Williams	Remove item a, from the consent agenda.
VOTE ON MAIN MOTION	All in favor	

V. SPECIAL ORDER OF BUSINESS

Item A – Award Presentation For Water Treatment Facility.

VI. APPROVAL OF THE MEEING MINUTES

Item A – 03/24/2009 Regular Scheduled City Council Meeting.

Passed on the consent agenda.

VII. UNFINISHED BUSINESS

Item A – Resolution 09-17: Supporting The Alaska Department Of Transportation And Public Facility (DOT/PF) In Their Efforts To Gain Funding Improvement And State Owned Port Harbor Projects in The Bethel Area.

MOVED:	Hoffman	Motion to adopt Resolution 09-17.
SECONDED:	Williams	

MOVED:	Williams	Motion to amend the resolution to strike "four" and insert "two".
SECONDED:	Klejka	
VOTE ON MOTION	All in favor	
VOTE ON MAIN MOTION	All in favor	

Item B- Public Hearing Of Ordinance 09-05: Amending Section 5.20.160 Of The Bethel Municipal Code Fees Payable To The City From Bus, Limousine, River Taxi, Dispatch Service, And Taxicab Permits.

Vice-Mayor Leinberger opened the public hearing.

Theresa Broeckel-spoke in opposition to the whereas within the Ordinance.

MOVED:	Williams	Motion to adopt Ordinance 09-05.
SECONDED:	Klejka	
MOVED:	Williams	Motion to suspend the rules to hear from the Finance Director, Laurie Walters.
SECONDED:	Middlebrook	
VOTE ON MAIN MOTION	All in favor	
MOVED:	Klejka	In the third whereas strike "of which are on the streets for up to twelve hours per day".
SECONDED:	Williams	
VOTE ON MOTION	All in favor	
VOTE ON MAIN MOTION	All in favor	

Item C- Public Hearing Of Ordinance 09-06: An Ordinance Exempting The City's Purchas Of A Caterpillar Model 160M Motor Grader, From The Provisions Of Chapter 4.20 Of The Bethel Municipal Code.

Vice-Mayor Leinberger opened the public hearing.

Willy Keppel - Spoke in favor of Ordinance 09-06.

MOVED:	Hoffman	Motion to adopt Ordinance 09-06.
SECONDED:	Middlebrook	
VOTE ON MAIN MOTION	All in favor	

NEW BUSINESS

Item A- Resolution 09-18: Support For The Preparation And Submission Of The Alaska Public Transportation Grant Application For SFY 2010 And SFY 2011.

MOVED:	Williams	Motion to adopt resolution 09-18.
SECONDED:	Klejka	
MOVED:	Williams	Motion to amend the resolution to strike "2009" in the second whereas and insert "2008".
SECONDED:	Klejka	
VOTE ON MOTION	All in favor	
VOTE ON MAIN MOTION	All in favor	

Item B – Resolution 09-19: Requesting The State Of Alaska Attorney General To Review The Consent Decree Between The State Of Alaska And Crowley Marine Services.

MOVED:	Klejka	Motion to adopt Resolution 09-19.
SECONDED:	Williams	
MOVED:	Klejka	Motion to amend the last whereas to insert "and effectiveness of".
SECONDED:	Middlebrook	
VOTE ON MOTION	All in favor	
VOTE ON MAIN MOTION	All in favor	

Item K- Hiring Preston Gates And Ellis, Louann Cutler To Represent
The City In The Review Of The 2004 Consent Decree Entered
Into By The State Of Alaska And Crowley Marine Service Inc.

MOVED:	Williams	Motion to hire K&L Gates to represent the City in the review of the 2004 consent decree entered into by the State of Alaska and Crowley Marine Service Inc.
SECONDED:	Middlebrook	
MOVED:	Zulkosky	Motion to amend the main motion to make the hire date effective immediately and not to exceed \$50,000 in fees.
SECONDED:	Williams	
MOVED:	Middlebrook	Motion to make an amendment to the amendment strike \$50,000 and insert \$20,000.
SECONDED:	Williams	
VOTE ON MOTION	5-2 Motion passes, Williams and Hoffman opposed	
VOTE ON MOTION	5-2 Motion passes, Klejka and Hoffman opposed	
VOTE ON MAIN MOTION	5-2 Motion passes, Klejka and Hoffman opposed	
MOVED:	Klejka	Motion to go into executive session – “Matters Which By Law, Municipal Charter, Or Ordinance Are Required To Be Confidential” – Update On The Nick vs. City Of Bethel, Teleconference With Representing Attorneys.
SECONDED:	Hoffman	
VOTE ON MAIN MOTION	All in favor	

Entered executive session at 7:30p and exited at 7:56p.

I. EXECUTIVE SESSION

Item A – “Matters Which By Law, Municipal Charter, Or Ordinance Are Required To Be Confidential” – Update On The Nick vs. City Of Bethel, Teleconference With Representing Attorneys.

Item C- Resolution 09-20: Supporting The Continued Operation Of The Chrissie Shantz Adult Day Program.

MOVED:	Zulkosky	Motion to adopt Resolution 09-20.
SECONDED:	Hoffman	
MOVED:	Zulkosky	Motion to amend the resolution to strike the second "M" in Orustararmmut.
SECONDED:	Middlebrook	
VOTE ON MOTION	All in favor	
VOTE ON MAIN MOTION	All in favor	

Item D – Introduction Of Ordinance 09-07: Exempting The City's Purchase Of A Peterbuilt/Mammoth 34-CY Refuse Truck, From The Provisions Of Chapter 4.20 Of The Bethel Municipal Code.

MOVED:	Middlebrook	Motion to introduce ordinance 09-07.
SECONDED:	Klejka	
VOTE ON MAIN MOTION	6-1 Motion passes, Middlebrook opposed	

MOVED:	Middlebrook	Motion to suspend the rules to hear from the Public Works Director, Paul Sanders.
SECONDED:	Klejka	
VOTE ON MAIN MOTION	5-2 Motion passes, Zulkosky and Albertson opposed	

Item E- Introduction Of Ordinance 08-10(h): An Ordinance Of The Bethel City Council Amending The Adopted Annual FY 2008 – 2009 Budget Cash Transfer From The General Fund To The Water And Sewer Enterprise Fund.

MOVED:	Middlebrook	Motion to introduce Ordinance 08-10 (h).
SECONDED:	Williams	
MOVED:	Williams	Motion to amend the motion to insert "all moneys owed to each account to cover the transfers owed in the
SECONDED:	Middlebrook	

		enterprise funds”.
MOVED:	Williams	Motion to amend the amendment to insert “and general funds to cover all funds of a non temporary basis”.
SECONDED:	Middlebrook	
VOTE ON MOTION	All in favor	
VOTE ON MOTION	All in favor	
VOTE ON MAIN MOTION	All in favor	

Item F – Introduction Of Ordinance 08-10(i): An Ordinance Of The Bethel City Council Amending The Adopted Annual FY 2008 – 2009 Budget.

Passed on the consent agenda.

Item G – AM 09-12 Approval Of The Water And Sewer Engineering Contracts Between CRW And CH2MHILL.

MOVED:	Hoffman	Motion to approve AM 09-12, approval of the water and sewer engineering contracts between CRW and CH2MHILL.
SECONDED:	Middlebrook	
MOVED:	Williams	Motion to suspend the rules to allow the Assistant Finance Director, Ryan Cope, speaks on this issue.
SECONDED:	Hoffman	
VOTE ON MAIN MOTION	All in favor	
VOTE ON MAIN MOTION	All in favor	

Item H- IM 09-06: Bethel Youth Facility Project

Item I – Travel Approval For The AML Representative To Attend The April 25th AML Meeting in Anchorage

MOVED:	Middlebrook	Motion to approve travel for the AML Representative to attend the April 25 th AML meeting in Anchorage.
SECONDED:	Williams	

VOTE ON MAIN MOTION	5-2 Motion passes, Zulkosky and Albertson voting opposed
----------------------------	--

Item J- Establishment Of A Mechanism To Evaluate At-Will Employees Aside From Their Evaluations Listed In Their Employment Contract

Item L – Request For City Manager To Attend Two-Day ANCSA Land & Resource Management Workshop In Anchorage On April 21-22, 2009 Followed By Two Days Of Personal Leave On April 23-24, 2009

MOVED:	Hoffman	Motion to approve travel for the City Manager to a two day ANCSA Land and Resource Management Workshop in Anchorage.
SECONDED:	Williams	
MOVED:	Middlebrook	Motion to amend the amendment to insert "and personal leave April 23 rd and 24 th ".
SECONDED:	Williams	
VOTE ON MOTION	All in favor	
VOTE ON MAIN MOTION	All in favor	

Item M – Establishing A Statement To The State Of Alaska Division Of Motor Vehicle Providing The City's Position On The City Of Bethel Division Of Motor Vehicle Office In Bethel And Its Continued Operation

MOVED:	Middlebrook	Motion to direct the City Manger to write a letter to the State of Alaska Division of Motor Vehicle Office stating the City will continue to operate the DMV Bethel office until they are able to take over the contract or until the date of January 1 st , 2010.
SECONDED:	Williams	
VOTE ON MAIN MOTION	6-1 Motion passes, Zulkosky in opposition	

MOVED:	Zulkosky	Motion to extend the meeting past
---------------	----------	-----------------------------------

SECONDED:	Middlebrook	10:00pm.
VOTE ON MAIN MOTION	5-2 Motion passes, Klejka and Williams opposed	

II. REPORTS OF STANDING COMMITTEES

Parks and Recreation Committee –

- Review of Teen Center policies.
- Budget review
- Requested the City Clerk to use KYUK and other media to get the vacancies on the boards more widely broadcasted.
- The Bethel Aquatic Training and Health facility is well on its way.

Public Works Committee –

No report

Port Commission –

- Work session scheduled for April 16th and the regular meeting is April 20th.
- Boat tags are going to be needed very soon.

Cemetery committee –

No report

Planning –

- Continued conversations of developing a moratorium.
- Recommended the community attend the meetings to find out more about the possible developments.

Public Safety and Transportation Commission–

No report

Finance Committee

- Current financial report and sales delinquencies.
- Discussed changing the language within the BMC dealing with the transfer of business licenses.
- Pipe water and sewer rate configuration and how things can be changed to be more cost productive.
- Review of indebtedness and a direction to the finance department to have something developed for the next finance meeting.

III. MAYOR'S REPORT

Gave an oral resignation from City Council effective Wednesday April 15th.

IV. MANAGER'S REPORT

V. CLERK'S REPORT

VI. COUNCIL MEMBER COMMENTS

Williams-

- Thanked Mayor Zulkosky, for her time on the City Council.
- Testified representing the City on SB 85 and House Judiciary hearing regarding the Consent Decree between the State of Alaska and Crowley Marine Services.
- Continue to see damage being done to the roads due to culverts not being cleaned out; these needs to be remedied to insure good safe roadways.
- Hug an elder.

Hoffman-

- The Bethel Aquatic Training and Health Facility concept design is out there and encourage community support.

Klejka-

- Thanked the city manager for the reports provided.
- Would like to see the minutes from the committees and commission make it into the packet.
- Thanked the galley for hanging in throughout the meetings.
- Thanked Council Member Zulkosky for all of her hard work during her time on Council.

Zulkosky-

No comment

Albertson –

- Appreciate the work of the city employees during the hard winter.

Middlebrook –

- Condolences to Mary Kilbuck, Luci Daniels and their family for the passing of June Kilbuck.
- Spring is coming everyone be safe when traveling on the ice.

Leinberger –

- April is child abuse awareness month, love your children and support TWC.

- Testified representing the City on SB 85 and House Judiciary on the Consent Decree between the State of Alaska and Crowley Marine Services.

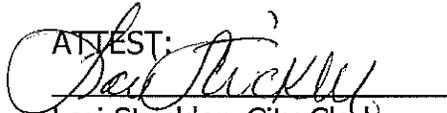
MOVED:	Hoffman	Motion to adjourn.
SECONDED:	Middlebrook	
VOTE ON MAIN MOTION	6-1 Motion passes, Williams opposed	

VII. ADJOURNMENT

APPROVED THIS 14th DAY OF APRIL, 2009



Dan Leinberger, Vice-Mayor

ATTEST:


 Lori Strickler, City Clerk