
City of Bethel, Alaska

City Council Minutes

June 22, 2004

Regular Meeting

Bethel, Alaska

CALL TO ORDER

A regular meeting of the Bethel City Council was held on June 22, 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	Michael O'Brien
Dave Trantham	Hugh Dymont
Hugh Short, Jr.	
Stanley "Tundy" Rodgers	

Excused absence(s): Andrei Jacobs

Unexcused absence(s):

Also in attendance were the following:

Bob Herron, City Manager

PEOPLE TO BE HEARD

1. John Wallace

- Stated that he read the article in the paper about the Council bickering.
- Suggested that the Council consider what brought them to be on the Council, and suggested that the Council do the community a favor by using their time constructively.

2. David Bonaud

- Expressed his concern about the dumpster problem and people not paying their fair share.
- Asked the Council where the dumpster issue is going.
- Expressed his concern about the cost of water and asked why certain businesses are paying less for water than it costs the City to make it.

Manager Herron commented that one business in town does provide their own water/sewer service and they get water at a cheaper rate based on the cost at the time of the initial contract.

Council Member Dymont commented that Mr. Kreider's business contract was negotiated prior to this Council and when that contract is up, it would be up for review.

3. Janelle Vanasse

- Expressed her frustration of Council while listening to their meeting on the radio.
- Stated that the time spent on attempting to oust Mayor Short is ridiculous.
- Stated that the Council members were not elected to play political games and that real issues required discussions.
- Suggested that the Council members stop pointing fingers and challenged the Council to stop and look at the real issues the next time they feel the need to point fingers.

4. Dan Leinberger

- Spoke about what came out of the Finance Committee regarding Ordinance 4-10; the end result was metering/equalization where everyone pays the same price per gallon of water
- Expressed his concern about the dumpster issue stating that July 1st, 2004, was the deadline.
- Spoke about the precedent the Council would be setting by removing Mayor Short for a minor violation. Explained that all Council members would be subjecting themselves to discussions of their past and possible future violations, such as traffic tickets.
- Requested that the Council consider removing the issue of removing Mayor Short from the agenda.

5. Joan Hamilton

- Requested that the previous minutes where she was quoted as saying she was proud of the Mayor and Vice Mayor be corrected to reflect the Mayor and Council Member Jacobs.
- Expressed her concern about the cost of the Council bickering at a time where the Council should be counting pennies.

6. John Dickens

- Respectfully asked the Council to reconsider their attempts at removing Mayor Short.
- Stated that Mayor Short is a good mayor, that the Council is wasting their time, and that he feels dishonored by the Council for trying to unseat Mayor Short.
- Asked for support in an effort to receive Code Blue money to support the region's emergency services stating that it is a good program and that it has brought a lot of gear which have saved lives.

7. Helen Bush

- Stated that the intent for the water/sewer equalization was to reduce the cost gap between the pipe system and the hauled system and to improve the standard of living.
- Stated that the Council members are mentors to the youth of the community, that professionalism is important, and wanted to remind Council, in reference to the removal of Mayor Short, to remember that when working together on the bench, radio, and in public.
- Expressed that Bethel has a lot of potential, that we must see through personal issues and put them behind us to make progress.

8. Jim Valcarce

- Stated that you shouldn't treat someone adversely because they plead no contest to a minor violation, that our system with overwhelmed with crime here and if everyone asserted their rights, our system would shut down.
- Thanked administration for treating him and his wife fairly during their recent audit for their business.
- Stated that the city operates because of the businesses contributing city sales tax
- Stated that businesses are hurting due to the increases of the rising costs, and that government agencies do not pay city sales taxes.
- Asked that the Council considers exempting the business from the tax increases, stating that he does not mind paying those increases on a personal level.
- Asked what other avenues could be done besides taxing the business and suggested doing something else like cutting other budgets.

Mayor Short commented that even though YKHC and other government agencies do not pay sales taxes, they provide a lot of income for Bethel residents who in turn pay *their* sales taxes.

9. Yolanda Jorgensen

- Stated that she spoke with John Sargent and gave him some information on a company that would come to your city and evaluate its needs for a recreation center.
- Stated that John Sargent did speak to her about possibly getting a grant to pay that company to come to Bethel, and asked if the Council has heard anything on this matter.

Manager Herron commented that Mr. Sargent has briefed him of this matter and that Mr. Sargent has made a preliminary inquiry and that he is waiting for a report back.

- Expressed that she feels the Council has tried to do their best, but it seemed like most of the Council meetings are like a battle of the Council members.
- Suggested that the Council stop acting like children and start acting like adults and to fill the shoes the city elected the Council to fill.
- Stated that Mayor Short has done a good job running the Council meetings and that she has respect for the Council and if anyone has a problem with anyone else, to leave it outside.

APPROVAL OF MINUTES

MOVED BY:	O'Brien	To conceptually approve the minutes from the June 8 th meeting pending insertion of the suggested amendments, final approval vote on July 13 th .
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motions passes by unanimous(6 – 0) voice vote.
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Council Member Williams recommended that the revised minutes be used.

Council Member Dyment agreed with Council Member Williams and approves the amended minutes by Manager Herron.

Manager Herron suggested that the Council approve the minutes in concept, based upon the "proof read" packet and allow the temporary city clerk to bring back the July 13 minutes with a red-line strike-out version to be able to see the corrections. Council Member Williams

concurs with Manager Herron's suggestion to have the temporary City Clerk correct the minutes.

Manager Herron noted that the temporary City Clerk position has been advertised and that there has only been one applicant.

Council Member O'Brien agreed with Manager Herron's suggestions. Mayor Short agreed with the hiring of the temporary City Clerk and requested to see the resume of the applicant.

APPROVAL OF CONSENT AND REGULAR AGENDA

MOVED BY:	Trantham	To approve the consent agenda and regular agenda for June 22, 2004.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion passes by unanimous (6 – 0) voice vote.
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MAYOR'S REPORT

Mayor Short's report included the following:

- Press Release from the Bethel City Council concerning the termination of the contract of the City Clerk, Amanda Byington.
- Committee/Commission application from Clair Grifka for appointment to the Port Commission
- Invitation from US Senator Lisa Murkowski to attend the "Alaska Summit on Violence Against Women" in Anchorage on June 30 – July 2
- Copy of page one of the April 13, 2004 Council minutes related to the request from the Camai Festival asking that the Council waive the 5% sales in Camai related activities

MOVED BY:	Trantham	To confirm the appointment of Clair Grifka to the Port Commission by Mayor Hugh Short.
SECONDED BY:	O'Brien	

VOTE ON MOTION	Motion passes by unanimous (6 – 0) voice vote.
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Council Members discussed the Bethel High School Art Club's request for money.

MOVED BY:	Dyment	To donate \$600 to the Bethel High School Art Club.
SECONDED BY:	Trantham	

VOTE ON MOTION	Motion failed 3 – 3 (no - Williams, Rodgers, O'Brien) (Jacobs absent)
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MANAGER'S REPORT

City Manager Herron's report included the following:

- Projected Fuel Increases memorandum
- Unleaded Fuel Cards
- Phone Cards
- Water Meters
- Utility "Commission" memorandum
- Grant Development Manager report
- "Mileage" memorandum

- Helmet Ordinance amendment memorandum
- Personnel – new hires, vacancies, resignations
- City Manager travel status

Mayor Short asked if the helmet ordinance was being enforced. Manager Herron stated he would ask the acting Police Chief to submit a report and forward the report to the Council members.

Council Member O'Brien stated that he thought the Animal Control Office (ACO) position was going to be done away with. Manager Herron stated that the ACO was not eliminated. Council Member Dymont stated that there was discussion about the position of the ACO and stated that by ordinance that position is required. Council Member Trantham stated that the ACO position is fully funded under the 2005 approved budget.

Council Member Williams stated that the helmet law is not appropriate due to inaccurate wording as suggested by the City attorney. Council Member O'Brien expressed his concern that the Council has passed an ordinance that is not going to be or cannot be enforced and that it may be a liability issue.

One Council Member asked about the status regarding the referendum that the Council passed concerning the increase in sales tax along with the liquor store referendum. Manager Herron stated that direction was given to prepare those referendums, but not specifically for the June 22nd meeting. Both measures are being prepared for introduction at the July 13th meeting.

10 minute break, time not noted

REPORTS OF STANDING COMMITTEES

Senior Advisory Board

- Council Member Trantham reported that they have a three month break and will meet in September.

Parks and Recreation Committee

- Council Member Andrei Jacobs was absent.

Planning Commission

- Council Member Rodgers noted the Planning Commission met on the 10th of June, Ordinance 04-08 was discussed.

Port Commission

- Council Member Williams reported that they met on June 21, 2004, and discussed the logs and log rafts, the appointment of the Captain of the Port (Fred Pete, Sr.), the bid of the new port office, and reminded everyone to make sure their boat harbor tags are updated.

Manager Herron suggested the Council honor the appointed Port Captain, and to put this matter on the next regular Council meeting.

Public Works Committee

- Council Member O'Brien reported that they met today and main topic was dust maintenance and that resolution on dust maintenance would be prepared and submitted by the next meeting.

- Discussed sand-pit reclamation
- Discussed hydro seeding

Council Member Williams asked Council Member O'Brien when the solid waste ordinance which was sent to the Public Works Committee to discuss.

Council Member O'Brien said the solid waste ordinance was not on the agenda and did not know it was forwarded to them.

Manager Herron stated that it was forwarded and he would deal with that issue.

Public Safety and Transportation Commission

- Council Member Dymont reported they had not met since his last report and they will be meeting in the first week of July and stated there was one opening for anyone interested.

Council Member Rodgers asked Council Member O'Brien if the 4-wheeler investigation ever come before his committee. Council Member O'Brien stated that the 4-wheeler issue did not come before his committee. Council Member Rodgers asked Manager to look into the 4-wheeler issue. Council Member Dymont stated that he has put the 4-wheeler issue on the agenda of the Public Safety committee.

Finance Committee

- Mayor Short reported the Finance Committee is scheduled to meet on Thursday, July 8th.

UNFINISHED BUSINESS

Item A – Motion to remove Hugh Short, Jr. as Mayor

Manager Herron explained why the memo from the City Attorney to the Council is confidential and stated that only the Council could, by affirmative vote, waive the confidentiality of that memo to be released.

MOVED BY:	O'Brien	To waive the confidentiality of the memorandum from the City Attorney, "Issue and Procedures related to Removal of the Mayor from Office"
SECONDED BY:	Williams	

VOTE ON MOTION	Motion passes by unanimous (6 – 0) voice vote.
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Mayor Short reported the questions answered by the City Attorney.

MOVED BY:	O'Brien	To suspend the rules for People to be Heard on this agenda item
SECONDED BY:	Dymont	

VOTE ON MOTION	Motion passes by unanimous (6 – 0) voice vote.
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People to be Heard

1. Gary Vanasse
 - Stated that no motion should be made to remove Mayor Short as mayor.

- Reminded the Council and citizens of Bethel that his hunting violation has no impact on City business or as a Council member.
- Suggested a solution to this situation to be the Council table the motion to remove Mayor Short until the 4th Tuesday in October, 2004.

1. Pam Bumstead

- Stated that as far as leadership goes, there have been some examples that concern her.
- Stated a substantial amount of attorney fees were spent against citizens to prosecute them for participating on a Citizen Advisory Board, and that the Mayor along with the City staff were aware of this.
- Expressed her views on gaming violations.

Council Member O'Brien stated this matter needs to be finished and that it is a waste of the Council's time. Council Member Trantham asked Mayor Short if he still plans on suing the Council if they voted on this matter. Mayor Short had no comment.

MOVED BY:	Trantham	(From the June 8th Council meeting) To remove Hugh Short, Jr. as Mayor
SECONDED BY:	Rodgers	

VOTE ON MOTION	
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MOVED BY:	Williams	(From the June 8th Council meeting) To amend the main motion to postpone this issue to the June 22 nd Council meeting
SECONDED BY:	O'Brien	

VOTE ON MOTION	Amendment to Main motion passes 6 – 1 (Rodgers)
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MOVED BY:	Trantham	To withdraw the motion to remove Hugh Short Jr as Mayor (requires two-thirds vote, at least five votes)
SECONDED BY:	Williams	

VOTE ON MOTION	Motion passes 5 – 0 (Short abstains)
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Item B – Public Hearing - Ordinance #04-07: An Ordinance regarding procedure for postponing and rescheduling meetings

Pam Bumstead

- Stated that the Senior Advisory Board's meets nine months out of the year and if allowed to postpone or cancel meetings that would limit the rights of senior citizens.
- Stated that this is in violation of Sturgis's International Parliamentary Procedure.
- Stated that this is a violation of Robert's Rules of Order as newly revised.
- Stated that citizens take time out of their lives to go to these meetings and that they should not be postponed and that the committees should be opened up to people who want to serve.

Break, time not noted

MOVED BY:	Williams	To adopt Ordinance #04-07 with the suggested amendment that the "Senior Advisory Board regular meeting schedule is September through May"
SECONDED BY:	O'Brien	

VOTE ON MOTION	Motion passes 5 – 1 (Rodgers)
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Item C – Public Hearing – Ordinance #04-08: An Ordinance amending the BMC section entitled "Conversion to Nonconformity".

John Baiamonte

- Asked that the Council take a good look at the recommendation of the Planning Commission when reviewing this issue.

MOVED BY:	Williams	To adopt Ordinance #04-08 with an amendment to add "financial" in the second Whereas between "extreme" and "burden"
SECONDED BY:	Dyment	

VOTE ON MOTION	Motion passes by unanimous (6 – 0) voice vote.
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MOVED BY:	O'Brien	To adopt Ordinance #04-08 as amended with a technical amendment to page 2, C-3, line 4 – change from 18.60.62 to 18.60.060
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion passes by unanimous (6 – 0) voice vote.
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Item D – Public Hearing – Ordinance #04-10: An Ordinance increasing the rates/fees charged for City of Bethel water and sewer services.

1. Gary Vanasse
 - Does not support this ordinance because he does not feel it is justified.
 - Stated that the City needs to maximize the revenues that are due to it.
2. Agnes Phillips
 - Wanted to clarify that the taxable benefit when she was on Council was 75, is now a taxable benefit for water and sewer.
3. John Wallace
 - Stated his concern, with the 30 % increase and that he does not understand where that figure came from.
4. David Bonaud
 - Expressed his favor for the increase in water and sewer services.
5. Dan Leinberger
 - Explained how the finance committee came up with the 30% figure.

Ten minute break, time not noted.

MOVED BY:	Williams	To adopt Ordinance #04-10
SECONDED BY:	Dyment	

VOTE ON MOTION	
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MOVED BY:	Trantham	To schedule another Public Hearing before the final vote on this proposed ordinance
SECONDED BY:	O'Brien	

VOTE ON MOTION	Motion fails 2 – 4 (no – Dyment, Williams, O'Brien, Short)
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MOVED BY:	Rodgers	To amend Ordinance #04-10 by reducing the proposed increases to a 15% increase for hauled customers and a 25% increase for piped customers
SECONDED BY:	Trantham	

VOTE ON MOTION	Motion passes by a (5 – 1) voice vote. (no – Williams)
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Council discussed the time frame for the amendment and the figures for increases.

MOVED BY:	Williams	To extend the length of meeting to go past ten p.m.
SECONDED BY:	Dyment	

VOTE ON MOTION	Motion passes by unanimous (6 – 0) voice vote.
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MOVED BY:	Rodgers	To amend the amendment to add a "60-day-window" on the proposed increases
SECONDED BY:	Trantham	

VOTE ON MOTION	Motion passes by a 4 – 2 voice vote. (no - Dyment, Williams)
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MOVED BY:	O'Brien	To amend the amended amendment to raise the proposed increases of 15%-haul and 25%-pipe to 30%-haul and 50%-pipe when the "60-day-window" ends
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion passes by a 5 – 1 voice vote. (no – Williams)
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MOVED BY:	Williams	To adopt Ordinance #04-10 as amended
SECONDED BY:	Dyment	

VOTE ON MOTION	Motion passes by a 5 – 1 voice vote. (no – Williams)
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NEW BUSINESS

Item A – Resolution #04-21: A Resolution by the Bethel City Council supporting the Alaska Municipal League letter sent to Governor Murkowski concerning the FY05 fiscal plan.

MOVED BY:	Rodgers	To adopt Resolution #04-21
SECONDED BY:	O'Brien	

VOTE ON MOTION	Motion passes by unanimous (6 – 0) voice vote.
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No discussion

Item B – Resolution #04-22: A Resolution by the Bethel City Council respectfully requesting the Alaska Legislature to develop a viable “fiscal plan” for FY05 during the upcoming special session on June 22, 2004.

MOVED BY:	Rodgers	To adopt Resolution #04-22
SECONDED BY:	O'Brien	

VOTE ON MOTION	Motion passes by unanimous (6 – 0) voice vote.
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No discussion

Item C – Resolution #04-23: A Resolution by the Bethel City Council supporting the Bethel Fire Department in their efforts to work with the Yukon-Kuskokwim Health Corporation in seeking grant monies for Phase IV of the Code Blue Project.

MOVED BY:	Rodgers	To adopt Resolution #04-23
SECONDED BY:	O'Brien	

VOTE ON MOTION	Motion passes by unanimous (6 – 0) voice vote.
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No discussion

Item D – Bethel AIDS Task Force requesting the City Council to pass a resolution per the example provided by this group.....

MOVED BY:	Williams	To suspend the rules to go to Council Member Comments before making a motion to go into Executive Session
SECONDED BY:	O'Brien	

VOTE ON MOTION	Motion passes by unanimous (6 – 0) voice vote.
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Andrea Savage

- Gave information on the Bethel Aids Task Force and reason for their request for help.

Council Member Trantham stated the allegations regarding the violation of classified information were untrue and asked for legal representation to appeal those allegations.

Mayor Short apologized for Council Member Trantham feeling wronged, stated that he does not hold those allegations against him, and that he would not be willing to allocate resources

for legal fees. He indicated that he would do his best to answer Council Member's question regarding his appeal rights.

Council Member Dymont and Council Member O'Brien agreed with Mayor Short. One Council Member stated that Council Member Trantham's name had been cleared.

MOVED BY:	Dymont	Motion to give Council Member Trantham a vote of confidence
SECONDED BY:	Williams	

VOTE ON MOTION	Motion passes 5 – 0 (abstain – Trantham)
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Council Member Rodgers left the meeting at 10:45pm

Council Members commented on budget, working together, and thanked people for coming to the meeting.

Executive Session

MOVED BY:	Williams	To go into executive session for an evaluation of the City Manager
SECONDED BY:	O'Brien	

VOTE ON MOTION	Motion passes by 5 – 0 voice vote.
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MOVED BY:	Williams	To adjourn the meeting at 12:47am
SECONDED BY:	O'Brien	

VOTE ON MOTION	Motion passes by 5 – 0 voice vote.
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APPROVED THIS 13th day of July 2004.

ATTEST:

Hugh Short, Jr., Mayor

Selena Malone, Acting City Clerk