
City of Bethel, Alaska

City Council Minutes

December 12, 2000

Regular Meeting

Bethel, Alaska

CALL TO ORDER

A regular meeting of the Bethel City Council was held on December 12, 2000, at 6:30 p.m. in the council chambers, Bethel, Alaska.

Mayor Rodgers called the meeting to order at 6:38 p.m.

ROLL CALL

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

Mayor Rodgers	Karol Sanchez-Pobrislo
Jerry Drake	Agnes Phillips
Carl Berger	Mike O'Brien (<i>via teleconference</i>)
Dario Notti	

Also in attendance were the following:

Bob Herron, City Manager
Colleen Soberay, City Clerk

PEOPLE TO BE HEARD

There was no one to be heard. Those wishing to speak signed up to speak during regular agenda items.

APPROVAL OF MINUTES

MOVED BY:	Drake	To approve the minutes of the Nov. 17 and 21, 2000 meetings, with changes noted by the city clerk
SECONDED BY:	Pobrislo	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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APPROVAL OF AGENDA

MOVED BY:	Drake	To approve the agenda.
SECONDED BY:	Berger	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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MAYOR'S REPORT

Mayor Rodgers announced the following:

- Governor's Talking Points for the weeks of November 20 and 27 and December 4, 2000
- Letter from AK Dept. of Community and Economic Development—*Re: Safety Grant for \$425.*⁵⁵

Mayor Rodgers announced vacancies on Bethel committees and commissions. He said people interested should contact the city clerk and encouraged the community to get involved.

MANAGER'S REPORT

City Manager Bob Herron noted the management reports included in council packets and reviewed the following items with council:

- Title 7 preclearance issue — DOJ approved changes to Title 7 Elections, as requested.
- Reward for information leading to the arrest of person (s) involved in a drive-by shooting of Sergeant Ben Dudley's residence on December 9, 2000.

MOVED BY:	Notti	To offer a \$10,000 award for information leading to the arrest of the person (s) involved in the December 9, 2000 drive-by shooting.
SECONDED BY:	Drake	

Council member Berger asked what would be the source of funds for the \$10,000 award. Manager Herron answered the award money would be taken out of unreserved funds.

VOTE ON MOTION	Motion carried by unanimous voice vote.
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REPORTS OF STANDING COMMITTEES

Senior Advisory Board

Council member Berger said he was unable to attend the December 5, 2000 meeting. He said in that meeting the main discussion item was in regard to establishing an age to identify seniors for the purpose of the election of new SAB members. He said the Senior Center will host a Christmas dinner Thursday, December 21, 2000.

Planning Commission

Council member Notti said the commission is scheduled to meet December 14, 2000 at 7:30 p.m.

Port Commission

Mayor Rodgers said the commission met November 27, 2000. He said they discussed the crane at the city dock and the possibility of a second tank farm. Mayor Rodgers said the commission plans to review Port tariffs at the next meeting, which is scheduled for February 19, 2001.

Public Works Committee

Council member Drake said the committee is scheduled to meet December 19, 2000 at 12:00 at the Public Works building.

Public Safety and Transportation Commission

Council member O'Brien said the commission was not able to conduct a meeting as scheduled for December 4, 2000 due to a lack of quorum. He said the commission re-scheduled for the following Monday.

Manager Herron said he talked to YKHC about a crosswalk. He said himself and Gene Peltola have talked to DOT, but DOT is not doing anything at this time to remedy the situation.

Finance Committee

Council member Phillips said the committee is scheduled to meet December 14, 2000.

Parks and Recreation Committee

Council member Pobrislo said the committee met Wednesday, December 6, 2000. She said the city clerk attended the meeting to review rules of procedure for the committee and answer committee questions in regard to rules and parliamentary procedure. Ms. Pobrislo also said the committee discussed a shooting range and a sport-shooting program, both of which have been scheduled to be on the next committee meeting agenda for further discussion. She said the shooting range and sport-shooting program are positive programs, if they are done the right way as the committee will discuss.

UNFINISHED BUSINESS

Item A — Discussion Item: Committee and Commission Rules of Procedure

Council member Pobrislo asked Willy Keppel to address council in regard to his complaints.

Mr. Keppel, member of the Planning Commission, referred to a letter he wrote to the Tundra Drums newspaper citing his complaints against the City Planning Commission. He said members of the Commission voted illegally because they had not been re-sworn into office after being reappointed. He said he was the only legal voter through August of this year. He also accused the Commission of executing PLAT work without a legal quorum. He also said the comprehensive plan was not done correctly. He asked, rhetorically, who authorized this new comprehensive plan. He accused the Planning Commission of operating illegally.

Mayor Rodgers said Mr. Keppel's complaints should be put on another council meeting agenda under the executive session if the people to be discussed allow it and if there is, in fact, legal issues.

Council member Drake said Mr. Keppel hasn't once shown him any proof of any of his allegations. He said he Mr. Keppel has made allegations against the City before and [Drake] has looked into every single complaint. Council member Drake said every complaint he's looked into for Mr. Keppel has had no merit. He said until Mr. Keppel can produce hardcopy evidence, his complaints and allegations have no merit and that Mr. Keppel is only causing a scene for self-promotion. He said Mr. Keppel should put-up or shut-up.

Council member Notti said he wants Mr. Keppel to produce hardcopies of every one of his complaints so that Council can review them before the next meeting.

Council discussed this issue being placed on another Council agenda. Manager Herron recommended the Mayor speak with the city attorney in regard to discussing Mr. Keppel's

allegations in executive session. Council agreed they want evidence of Mr. Keppel's complaints, item-by-item with the appropriate proof. Council also agreed they would discuss these allegations at an appropriate time with the city attorney, if necessary.

Item B — Discussion Item: Recommendations from the Finance Committee and City Administration Re: BMC 4 and 5 *et seq*

City Finance Director, Stuart Robinson, reviewed the Finance Committee's recommendations to Council in regard to sales tax and collection of sales tax. He also reviewed recommendations made by City Administration. Mr. Robinson asked the Council to consider the recommendations provided. He also proposed an initiative to study the sales tax Code.

Council member Pobrislo asked if the changes administration and the committee are seeking have to do with dollar amounts or with trying to collect taxes owed to the city. Mr. Robinson said it has more to do with making the Code concise and easier to read, which will make tax collections manageable.

Council member Drake said council needs to study the Code and recommended Council start participating in work sessions to go through the sales tax Code from start to finish.

Manager Herron commented on the committee's and administration's recommendations. He also suggested that council break the sales tax Code up part-by-part for review, perhaps 15 or 20 minutes per council meeting until the sales tax Code is reviewed and rewritten as necessary.

Discussion ensued. Council agreed to study and answer five sales tax questions or concerns in each meeting until code has been thoroughly reviewed and dealt with accordingly.

Item A — Public Hearing: Ordinance #00-26 Business License Amendment

Manager Herron reviewed Ordinance #00-26 and recommended approval. Council discussed if this changed or included an appeals process. Mr. Robinson said there is an appeal process in BMC 4.16 and this ordinance does not change the appeal process.

MOVED BY:	O'Brien	To approve and enact Ordinance #00-26: Business License Amendment
SECONDED BY:	Pobrislo	

VOTE ON MOTION	7 yes; 0 no—Motion carried unanimously
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NEW BUSINESS

Item A — Ordinance #00-27: Amendment to sections of BMC 2.52 in regard to boards, committees and commissions

Council discussed city committee and commission attendance and agreed there is too much absenteeism among the committees and commissions. Council member Berger asked if the absenteeism policy included council members. Manager Herron explained that it didn't, but the body of a committee or commission could request council take action by reviewing the council member's standing on the committee or commission.

Council member Pobrislo said the City's absenteeism policy only addresses unexcused absences and asked what could be done about absences in general. The city clerk commented on absenteeism and how it affects committee and commission morale because quorums cannot be established. Council discussed requiring that members attend a minimum number of meetings each year of their respective board, committee or commission. Discussion ensued. Council agreed members should attend at least 65 percent of regular meetings held in a calendar year.

MOVED BY:	Drake	To introduce Ordinance #00-27 with additional amendments noted below and to set public hearing for January 9, 2001.
SECONDED BY:	Notti	

Additions: Minimum of 65 percent of regular meetings and 65 percent of special meetings must be attended by members; Attendance shall be taken at every meeting even if a quorum is not established so as to monitor the minimum attendance policy; Council members assigned to a board, committee or commission are voting members of their respective body.

VOTE ON MOTION	Motion carried by unanimous voice vote.
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Item B — Discussion Item: Kuskokwim 300—Re: Request to wave Kuskokwim 300 merchandise tax

Beverly Hoffman, Kuskokwim-300 race manager, reviewed Kuskokwim 300 race history in Bethel. Ms. Hoffman asked Council to either exempt Kuskokwim 300 merchandise sales tax or become a major sponsor of the race. Ms. Hoffman explained the Kuskokwim 300 race organization is dependent on in-kind contributions. She also explained how this organization contributes to the City of Bethel and she explained the finances behind the organization.

Council discussed the cost of such a tax exempt and compared a tax exempt vs. the City becoming a major sponsor. Ms. Hoffman estimated about \$17,000 for the tax exempt and said to become a major sponsor the City would need to donate at least \$5,000. Council member Pobrislo asked if the tax exempt request was for merchandise sold or merchandise bought. Ms. Hoffman answered merchandise sold. Council and Ms. Hoffman discussed the finances in putting on a race of this size and the finances in regard to a tax exempt.

Manager Herron recommended Council become a major sponsor rather than grant a tax exempt. Council agreed the City would benefit more by becoming a member rather than granting a tax exemption. Council also agreed they could not justify giving a tax exemption at this time.

Ms. Hoffman asked if Council could simply make membership an annual donation. Council member Notti pointed out that the Council cannot earmark funds for future use, as Bethel is a second-class city.

Council member Drake said he supports becoming a sponsor, but asked that the Kuskokwim 300 organization address Council earlier in the year—perhaps during budget season each year—for such in-kind contributions, so that any donations made could be budgeted each year accordingly.

Council member Berger said he supports sponsorship of the Kuskokwim 300 organization because it is a positive event and the City has a responsibility to support the Kuskokwim 300 for economic development sake. He also said a race of this size brings positive press into Bethel.

MOVED BY:	Pobrislo	To become a major 2001 sponsor of the Kuskokwim 300 with a membership fee of \$5,000, where the membership fee will be taken out of FY00-01 budget.
SECONDED BY:	Drake	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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MOVED BY:	Drake	To suspend the rules and go into executive session to discuss collection of Port arrearages.
SECONDED BY:	O'Brien	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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Council moved into executive session at 8:25 p.m. Council came out of executive session at 9:20 p.m.

Item C – Discussion Item: 4-H Request to extend curfew for New Year’s

MOVED BY:	Drake	To extend the curfew on New Year’s Eve to 1 a.m. for the purpose of allowing the 4-H Club to host a New Year’s Eve party for the youth.
SECONDED BY:	Berger	

Council member Pobrislo suggested, for safety reasons, the kids not be allowed to go back and forth between the dance and elsewhere just because the curfew would be extended until 1 a.m., as it would only be extended for the purpose of staying at the 4-H dance. Council discussed this and agreed Manager Herron would call the chaperon of the party and share Council’s concerns.

VOTE ON MOTION	Motion carried by unanimous voice vote.
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Item D – Discussion Item: Review of Senior Advisory Board bylaws—Senior Advisory Board Requests ratification

MOVED BY:	Berger	To ratify the Senior Advisory Board (SAB) bylaws.
SECONDED BY:	Notti	

Dave Trantham, Bethel resident, spoke to Council in regard to the SAB bylaws. He reviewed the new age for seniors proposed by the SAB, the process of elections and terms of current members. Mr. Trantham said he is especially concerned about the new proposed age of 55 years-old instead of 60 years-old to qualify as a senior. Mr. Trantham urged Council not to ratify the bylaws. Mr. Trantham also said he is a nominee for the SAB and urged the Council to make the SAB go forward with the long, over-due elections.

Council member O'Brien said he does not support the age decrease to qualify as a senior to serve on the SAB. Council member O'Brien recommended the SAB follow the same rules as other City committees and commissions as set forth in ordinance in regard to rules of procedure and operation of the SAB.

Manager Herron said he agreed with Mr. Trantham in regard to not lowering the age requirements. He said he spoke with a representative from the Commission on Aging and that there is no State law that governs the SAB. Manager Herron recommended Council not pass the main motion, ratifying the bylaws, for several reasons. He also said the city clerk noted conflicts with City ordinance and that the SAB bylaws should not supercede the BMC.

VOTE ON MOTION	Motion withdrawn.
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Council member Drake said an age should be clarified in the bylaws for the purpose of voting for SAB members and for serving on SAB. Council discussed their concerns with the proposed bylaws, such as age, number of members, terms, and election of members vs. appointment of members. Council agreed the bylaws should not supercede City ordinance.

Manager Herron suggested the Mayor direct the advisory board to hold an election by the end of January, for example, and then if the elections are not held, Council should appoint members to the board as they do for all other committees and commissions. The Mayor agreed with Manager Herron.

Council discussed SAB elections vs. appointments. Council agreed if members are to be appointed, the Mayor would take into consideration the nominations made by the SAB nominating committee. Discussion ensued. Council agreed to give the SAB the option to hold elections by the end of February or Council will appoint members to the SAB.

Manager Herron recommended Council direct administration and the city clerk to incorporate Council's concerns into the SAB bylaws and modify the bylaws to ensure the bylaws conform with City law. Council directed administration and the city clerk to work on the SAB bylaws, as recommended by the City Manager.

Council member Pobrislo asked if elections will be delayed until the new bylaws are ratified. The city clerk explained the SAB is still working under valid 1997 bylaws. Council member Pobrislo asked that the new proposed bylaws be provided to the SAB before the next SAB meeting. Council member Berger said he would convey Council's message to the SAB.

Council discussed the defining age of a senior, which is the biggest concern in regard to delaying or going forward with the SAB elections.

Mayor Rodgers redirected administration and the city clerk to rewrite bylaws to be presented to the SAB and the SAB to either hold elections or Council will appoint the new SAB members. Council concurred.

Item E — Discussion Item: City Cemetery Plan and Procedures

The city clerk explained that the Public Works Director expressed his concerns about the current cemetery situation in regard to the public's rising concern of lack of burial space. He also asked that an *ad hoc* cemetery committee be organized to study this issue. The city clerk also

explained the Ridgecrest Memorial Cemetery is very close to its maximum capacity and while the Ptarmigan Memorial Cemetery is available for burials, it's not popular among the community. The city clerk also said there are no procedures in place for the Ridgecrest cemetery in that the City has no record of who is buried where in the Ridgecrest cemetery and, to some extent, the City has no record at all of many burials at the Ridgecrest cemetery. The current permit procedure requires only that the family, or a representative, sign a piece of paper indicating who is to be buried.

The city clerk said the *ad hoc* committee would revisit past cemetery issues and look for a solution for a new cemetery and cemetery procedures for a new cemetery and old cemeteries. The city clerk explained that she would invite members of the community to participate in the *ad hoc* committee and schedule a preliminary meeting for the end of January. The city clerk said the Public Works Director said he would work with the city clerk and city manager to provide a short-term solution at the Ridgecrest Cemetery and participate in the *ad hoc* committee.

Manager Herron explained BNC had been interested in donating land for another Bethel cemetery site some time ago and that site has since been evaluated and determined to be a good site for a cemetery. Manager Herron said in talking with Marc Stemp at BNC, after the fact, BNC does not want its land used for a cemetery unless the City gives BNC an equal amount of land in return. Manager Herron said at this point we don't have an alternative cemetery site, other than Ptarmigan and Ridgecrest. He also explained the short-term solution for Ridgecrest would be to level off a lower area at Ridgecrest, on the Teen Center side, to allow for more burials. He also said even after providing a little more space at Ridgecrest, it will still be near its maximum capacity. Manager Herron suggested the City implement a cemetery site on its own land and agreed the *ad hoc* cemetery committee should be revived. The city clerk said she would also research other city-operated cemeteries.

Council agreed. Mayor Rodgers asked how much land would be needed for a new cemetery site. Manager Herron replied a minimum of five acres. Council briefly discussed the possible areas for a cemetery. Council directed Manager Herron to have the lower portion of Ridgecrest raised/filled in to allow for more grave sites and directed the city clerk to revive the *ad hoc* cemetery committee for the purpose of studying possible cemetery solutions and procedures.

Item F — Discussion Item: Membership of Elected Officials in the Public Employees' Retirement system (PERS)

Manager Herron explained a letter from the State of Alaska Department of Administration in regard to membership of elected officials in the Public Employees' Retirement System. He said PERS is a unique opportunity for Bethel council members and recommended Council take this opportunity into consideration.

Council member Pobrislo asked if Council would be eligible to participate in PERS if Council does not receive compensation. Manager Herron said Council could sign up to participate in PERS without receiving a stipend right now. He also said Council can give themselves a stipend.

Council member Notti said he has been in favor of a stipend or benefit for four years now. He said if Council could get the four votes needed to provide a stipend to Council, he would be in support of PERS.

Council member Drake said he has always been opposed to any form of a stipend, as Council serves strictly on a volunteer basis. He also said he doesn't feel Council should receive any type of stipend, water utility break or anything like that. If, by majority vote, Council votes to provide a stipend to Council members, he'd take special care to make sure that any stipend or benefit he receives was turned back to the City in the most public manner possible. Council member O'Brien agreed.

Council member Pobrislo asked how much of a stipend would be needed to participate in PERS. Manager Herron said whatever the Council gave themselves, the City would have to match that amount. He also said there may be a minimum requirement, but Council could pay themselves a trivial amount. He also explained that its not the money that's important, it's the amount of time put into PERS for retirement benefits. He said he agreed Council should do this on a volunteer basis, but if Council was to provide themselves with a small stipend to be able participate in PERS that might attract better public officials. He reiterated it's not the money, it's the time built up in PERS that is attractive for people to run for office. He said it's a perk to attract a better public officials.

Council member Berger asked about the deadline to sign up and also commented on the medical benefits of PERS. Council member Berger said he is already a member of PERS and said the medical benefits of PERS is well worth participating. He also said he is drawing medical coverage even though he's only been in PERS long enough to have vested. He said if there was any way to keep this opportunity open rather than wait until next year, without worrying about a stipend right now, Council should consider signing-up.

MOVED BY:	Notti	To introduce an ordinance granting a \$50 per meeting stipend to Council members at the January 9, 2001 meeting, with the option of participating in PERS.
SECONDED BY:	Pobrislo	

Council member O'Brien commented on possible public reaction of Council giving themselves a stipend. Council member Berger asked Manager Herron to find out more information about PERS in regard to the non-typical PERS participants, such as council members. He also asked if medical benefits would be provided to council members later, so long as they are vested, as this is well worth Council exploring the opportunity of becoming PERS participants.

Manager Herron said Council needs to first pass a resolution getting Council into the program and then later Council may decide to pay Council a stipend so they could then fully participate in PERS. Manager Herron recommended Council give themselves a window to participate in PERS. He said once Council is eligible to participate then Council could choose to compensate themselves or not.

VOTE ON MOTION	Motion withdrawn.
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Council member Notti requested an ordinance granting a \$50 per meeting stipend to Council members be introduced at the January 9, 2001 meeting.

MOVED BY:	Notti	To pass a resolution authorizing the participation of the elected officials of the City of Bethel participate in the PERS program.
SECONDED BY:	Phillips	

VOTE ON MOTION	Motion passed.
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COUNCIL MEMBER COMMENTS

Council Member Berger Merry Christmas to all and best wishes for the New Year.

Council Member Pobrislo wished everyone Feliz Navidad.

Council Member Notti wished everyone a Merry Christmas, Happy Hanukah and Happy New Year.

Council Member O'Brien reiterated Mayor Rodgers comments on the drive-by shooting and hopes those involved are caught and put away. He also wished everyone a Merry Christmas and a safe and Happy New Year.

Council Member Drake wished everyone a Merry Christmas and Happy New Year.

Mayor Rodgers said he hopes to attend the City Christmas party and wished a Merry Christmas to all, especially the seniors.

Council Member Phillips wished everyone a Merry Christmas and requested the Mayor give a good speech at the City's employee Christmas party thanking the employees for all of their hard work.

ADJOURNMENT

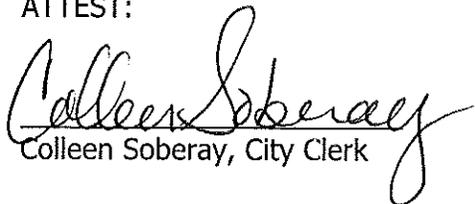
MOVED BY:	Drake	To adjourn the meeting.
SECONDED BY:	Notti	

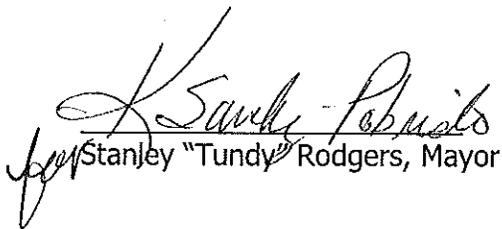
VOTE ON MOTION	Motion carried by unanimous voice vote.
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With no further business before the Council, the meeting adjourned at 10:50 p.m.

APPROVED THIS 9th DAY OF JANUARY, 2001.

ATTEST:


Colleen Soberay, City Clerk


Stanley "Tundy" Rodgers, Mayor