
City of Bethel, Alaska

City Council Minutes

March 9, 2004

Regular Meeting

Bethel, Alaska

CALL TO ORDER

A regular meeting of the Bethel City Council was held on March 9, 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	Dario Notti
Dave Trantham	Hugh Dymont
Hugh Short, Jr.	Andrei Jacobs
Stanley "Tundy" Rodgers – Teleconference	

Excused absence(s):

Unexcused absence(s):

Also in attendance were the following:

Bob Herron, City Manager
Amanda Roudebush, City Clerk

PEOPLE TO BE HEARD

Richard "Oly" Olson

- Mr. Olson addressed Council with the City Attorney advice of the Executive Session scheduled for tonight's meeting
- He referred to the last lawsuit and gave a brief history of it
- Mr. Olson announced that he is prepared to challenge the Executive Session

Willy Keppel

- Mr. Keppel discussed the option to record Executive Sessions and gave reasons to support this option.
- He strongly encouraged Council to look at this option
- Mr. Keppel also stated that he agreed with everything that Mr. Olson said as well.

APPROVAL OF MINUTES

MOVED BY:	Jacobs	To approve the minutes as amended from the 2-18-04
SECONDED BY:	Notti	

Pg.12-add Executive Session to the next regular agenda of the City Council to finish 6 month evaluation of the City Clerk

VOTE ON MOTION	Motion Passes Unanimously
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APPROVAL OF MINUTES

MOVED BY:	Jacobs	To approve the minutes as amended from the 2-24-04
SECONDED BY:	Williams	

People To Be Heard-Trantham PG17, Short Excused Mgr. 2-10-04 change, Pg 19 Donation 3-5-04, Port Crow (E) PG.20 Item A Nays list, list shall on amendments, Pg 21 Change the way it is done with amendments (HELMETS) Item A N.B 03-08© on Consent agenda, Pg 22 Item C Nays listed, PG 23 Last motion City SP, Nay listed, PG 23 Notti Comments Lent(SP)

VOTE ON MOTION	Motion Passes Unanimously
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APPROVAL OF MINUTES

MOVED BY:	Williams	To approve the minutes as amended from the 2-26-04
SECONDED BY:	Jacobs	

City Council Minutes-2-26-04 write out, Notti Not here, Change Notti, Motion Hard to read, PG 11 – Delete Comments, ending to min...

VOTE ON MOTION	Motion Passes Unanimously
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APPROVAL OF CONSENT AND REGULAR AGENDA

MOVED BY:	Jacobs	To approve the consent agenda and regular agenda as amended
SECONDED BY:	Notti	

MOVED BY:	Williams	To remove Item B of Executive Session, Remove items D & E of New Business, change the names of the Resolutions on the agenda.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion Passes Unanimously
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VOTE ON MOTION	Motion Passes 6-1 (Notti)
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MAYOR’S REPORT

Mayor Short’s report included the following:

- Mayor spoke with governor at luncheon. They spoke about Bethel priorities.
- Mayor Short recognized Steven Evonne of Kwethluk and is invited to the next Council meeting
- Chalista and AVCP Economic Dev Conference - Formation of a borough at Donlin creek
- Lobbyist Paul Richards letter to Council on update
- Letter to Gov Murkowski – Conference of Alaskans

MOVED BY:	Rodgers	To forward letter to Governor Murkowski
SECONDED BY:	Williams	

VOTE ON MOTION	Motion passes unanimously
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- Lifeline Revenue Sharing – Trantham spoke about AML and losing Revenue Sharing. This is a substitute for it giving \$250 per person who signs up for a dividend
- AML updates from Council Member Trantham
- Tundra talk
- Pay off for future dividends
- Taxi exemptions
- Child Support Bill

COMMENTS

Council Member Jacobs – Council Member Jacobs spoke about a political debate to build a private or Government owned Correctional Facility. Discussions ensued about the pros and cons of both of the proposals. Council member Dyment was asked to take the issue back to the Public Safety & Transportation Committee, and to return to Council with a recommendation.

Council Member Notti – Council Member Notti spoke about the cost of moving the Quonset Hut and the sand it will contain for storage. There were also discussions about the State of Alaska spending \$11, 00.00 for their own sand storage facility.

Council Member Dyment – Council Member Dyment questioned Council Member Trantham about the Lifeline v/s Dividend being a separate entity. Council member Trantham responded that they are separate proposals at this time.

Council Member Trantham - Council Member Trantham requested direction be given to the City Manager to fill out the AML questionnaire that is in the packet. Discussions ensued about the AML questionnaire and there was direction given to Administration to make sure the questionnaire is filled out and turned in.

MANAGEMENT TEAM'S REPORT

City Manager Herron's report included the following:

- Personal Leave so no Manager's report in the council packet
- Just update on projects
- Letter to follow up "Black List". The City Manager has spoken to Osborn representative. The company provided a written response
Mayor read letter responding to accusations of a "Black list"
- Court System Expansion Update
- Next meeting scheduled to announce intentions of YK and ONC possible transfer

Comments

Council member Trantham requested the City Manager taking one Council Member to accompany him to Juneau to enhance the affect of the representation of the City Of Bethel. Council Member Dyment requested, in this discussion, that at the least the City Manager and a Council Member confer with each other before any trip to Juneau. Council Member Trantham asked if there was travel money available to the trip for a Council Member to accompany the City Manager.

Council member Rodgers requested an update on Sales Tax Audit. Auditors were given a due date of 3-23-04. Councilmen Rodgers also asked about the server and how much it will cost. City manager responded by saying a conservative figure would be \$30,000.00. He was also reassured that the money is already in the budget modifications for this year.

Council Member Trantham inquired about not seeing any copy of the emergency order where it was declared, and he is concerned with possible violations that may have occurred. Mayor Short directed the City Manager to provided Council with a memo declaring the emergency. Council member Trantham spoke about the history of the declaration of an emergency coming from Council and is quite concerned that this issue has not been brought up to the Council.

Vice-Mayor Williams inquired about the Planning Department's missing report from packet. The Vice-Mayor also addressed the In-House Attorney Position official interview and asked when it will be. He was also concerned about no appropriation to hire another attorney at this time. City Manger Herron

addressed the interview issue with the fact that it will be done the next time he is in Anchorage, and will address the appropriations a little later in the interview process.

Council Member Dymont thanked the administration for taking care of the back dated electric bills from October through December for reimbursement.

REPORTS OF STANDING COMMITTEES

Senior Advisory Board – Council Member Trantham reported that today was the Senior Advisory Board meeting. There was a quorum, yet only preceded to the point of approving the agenda. The motion to approve the agenda failed putting a halt to the meeting at that time. The Board was given a resignation form Larry Howard. They tried to reestablish a quorum, but it did not happen. Council Member Trantham decided to walk out of the meeting. He felt illegal things were happening so there was no meeting

Parks and Recreation Committee – Council Member Jacobs reported that the Committee has not met since the last Council meeting. The next meeting is scheduled for 3-16-04.

Planning Commission – Council Member Rodgers reported that there has been no meeting since the last Council meeting. The next meeting is scheduled for 3-11-04. Council Member Rodgers plans to attend that meeting via teleconference.

Port Commission – Vice Mayor Williams reported there has not been a meeting since the last Council meeting. The next meeting will meet the 15 of March 2004.

Public Works Committee – Council Member Notti reported that there has not been a meeting since the last Council meeting. The next meeting is scheduled for the 3rd Tuesday of the month.

Public Safety and Transportation Commission – Council Member Dymont reported that there has not been a meeting since the last Council meeting. They rescheduled it to 3-17-04, due to apparent lack of quorum.

Finance Committee – Mayor Short reported that the Committee met last Monday, March 1. Recommendations for Council were discussed. They spoke about an Ordinance that will be introduced at the next Council meeting raising the Water/Sewer rate by 10%. Mayor Short addressed the formation of a group directed to be set up by Council. He requested that administration collect some information for the Committee and have it ready for them this Thursday, 3-1-04.

Recommendation to Council from Public Works – Council Member Dymont read the recommendation to ask the City of Bethel to ask the City of Bethel Grant Writer to review grants for seed and dust control.

MOVED BY:	Rodgers	To direct the City Administration to have the Grant Writer check into Grants from the USDA for the Public Works Committee for hydro-seed and dust control
SECONDED BY:	Jacobs	

VOTE ON MOTION	Motion Passes Unanimously
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7 Min Break

UNFINISHED BUSINESS

Item A – Planning Report on Donut Hole

Council Member Williams spoke about past direction to get recommendation from the Planning Commission, and they did not reach the deadline. He requested it be brought back up, and kept moving forward. Discussion to come up with a way to make sure when items are sent to a Committee, Commission, or Board, they do get it, and understand the deadlines set forth by the City Council. Council Member Rodgers spoke that he did get the item and it is on the agenda for the next Planning Commission meeting, forgive him for the lateness.

MOVED BY:	Trantham	To declassify the Attorney opinion of the Donut Hole
SECONDED BY:	Jacobs	

Discussions about releasing it a good idea so BNC could clarify their opinion on the matter. Also, there were talks about making sure all members of the Planning Commission get a copy of the opinion so as to take into advisement. The Council spoke about the many, many option available for a new road. There was an invitation to the next Planning Commission on Thursday night, 3-11-04.

VOTE ON MOTION	Motion Passed 6-1 (Notti)
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Item B - Public Hearing of Ordinance #03-08 (C): An Ordinance of the Bethel City Council amending the adopted Annual FY 2003-04 Budget

M. Pam Bumsted – Senior Advisory Board

- Ms. Bumsted spoke about the Senior Services budget
- She spoke about the NTS Grant received
- She asked why the Board was not notified about the decrease in the NTS grant
- Ms. Bumsted announced that the Board has not been involved in any discussion of the budget, and would like to be involved
- She also requested Item E under New Business: Senior Advisory Board Issues be moved into an Executive Session.

MOVED BY:	Williams	To delay Ordinance # 03-08 (C) until March 25. The Audit from last year to give Council a chance to review it for further discussion
SECONDED BY:	Rodgers	

Discussions about the issues of delaying the Ordinance. City Manager could Admin will work w/ Council

VOTE ON MOTION	Motion Passes Unanimously
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Item C - Public Hearing of Ordinance #03-08 (D): An Ordinance of the Bethel City Council amending the adopted Annual FY 2003-04 Budget.

MOVED BY:	Rodgers	To approve 03-08 D: An Ordinance of the Bethel City Council amending the adopted Annual FY 2003-04 Budget.
SECONDED BY:	Dyment	

Discussions ensued about the Sales Tax Audits. The Council is concerned that the City of Bethel is two years behind plus the current year. The City need to get the Audits done as soon as possible. Can the City get caught up on the two year deficit? How long will it take to do so?

Rob Strahan addressed some of the City Council concerns. He spoke about the ability to be able to do the Sales Tax Audits now because he has a full staff with the capabilities. He does support the Ordinance and with the availability of a full staff, they are able to carry out the direction of Council. He also identified the General Fund Balance to be used to cover the RFP for the Auditor. Mr. Strahan also announced that the employee will be working with the auditor to get hands-on training that is necessary.

City Manager Herron spoke to Council about in-house capabilities being much cheaper for the City. He also supports the Ordinance.

VOTE ON MOTION	Motion Passes 5-2 (Notti, Rodgers)
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NEW BUSINESS

Item A – *Introduction of Ordinance 04-03: Amending Sections 13.12.010, 13.12.160 AND 13.12.280 of the Bethel Municipal code regarding solid waste collection and disposal by defining non-residential customers , requiring non-residential customers to use dumpsters , and clarifying the non-authorized use of dumpsters or other garbage containers owned by others is prohibited, and amending sections 13.16.010 to create a separate fee for non-residential solid waste service customers

Item A passed on the consent agenda

Item B - *Introduction of Ordinance 04-04: A technical amendment to Ordinance #03-21(S) Authorizing a land exchange between the City of Bethel and Owners of property in City Subdivision

Item B passed on the consent agenda

Item C - *Resolution #04-07: A Resolution supporting the continued funding and/or increase in funding for the University of Alaska Rural Education Department (Williams, Jacobs)

MOVED BY:	Dyment	To approve Resolution #04-07: A Resolution supporting the continued funding and/or increase in funding for the University of Alaska Rural Education Department
SECONDED BY:	Jacobs	

MOVED BY:	Dyment	To amend the Resolution to remove the continued funding – leave increased funding. Add KUC specifically as well as UA, and to take out the AND on the last whereas
SECONDED BY:	Jacobs	

VOTE ON AMENDED MOTION	Motion passed unanimously
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Discussions ensued about how the wording was set up. And who we should send this Resolution to

MOVED BY:	Notti	To amend the Resolution to add at the bottom of the Resolution the names Governor Murkowski, President Hamilton, Mary Kapsner, Representative Harris, Lyman Hoffman, Senator Wilkins, and the Alaska Municipal League.
SECONDED BY:	Jacobs	

VOTE ON AMENDED MOTION	Motion passed unanimously
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Mayor Short spoke about how hard the funding is to receive anyway and thanked Council Member Dyment for the request for this Resolution.

VOTE ON MAIN MOTION	Motion Passes Unanimously
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Item D - *Resolution #04-08: A Resolution of the Bethel City Council condemning the majority on the Alaska Board of Fisheries for their actions in their February 2004 meeting liberalizing the Area M Commercial Fishery

MOVED BY:	Rodgers	To adopt Resolution #04-08: A Resolution of the Bethel City Council condemning the majority on the Alaska Board of Fisheries for their actions in their February 2004 meeting liberalizing the Area M Commercial Fishery
SECONDED BY:	Jacobs	
<i>Discussion ensued about the strong wording involved in the resolution.</i>		
VOTE ON MOTION	Motion passed Unanimously	

Item E – Senior Advisory Board Issues

City Clerk requested legal opinion to be released to the public.
Request for executive session by the chairman of the Senior Advisory Board

MOVED BY:	Trantham	To declassify the Attorney opinion on the Senior Advisory Board Meetings
SECONDED BY:	Jacobs	
<i>Discussion about the City Clerks request to declassify. Is there anything in here that might be derogatory towards a member of the Board? Without knowing all the facts and possible implications that may come from declassifying opinion, it may not be a good idea. Formal discussions are necessary before the release.</i>		
VOTE ON MOTION	Motion fails 2-5 (Jacobs, Williams, Dymont, Notti, Short)	

Discussions ensued of concerns that the board has not had too many meetings to discuss the wants of the possible transfer. They haven't made many statements about the transfer. The responsibility of the Senior Advisory Board is to make recommendations to the appropriate administration. They have not come back to the Council to ask for anything or voice any opinions. Concerns were discussed of the politics of the board and are an on-going problem, this need to be addressed.

Discussions ensued of how to hear other people in the Executive Session. Explanations of how that is possible from the City Clerk and the City Manager. Cautioned about how to approach the issue and if there is someone you would like to speak to in the Executive Session to be extremely narrow.

A suggestion to call Special meeting between the Senior Advisory Board and the City Council, post it, and speak publicly about this issue.

MOVED BY:	Dymont	To set an Executive Session at the next regular meeting of the City Council per the request of the Senior Advisory Board Chairman.
SECONDED BY:	Jacobs	
<i>Discussion about if Ms. Bumsted's request is warranted</i>		
VOTE ON MOTION	Motion Passes 6-1 (Rodgers)	

Julius Pleasant – Member of the Senior Advisory Board

- Cultural difference perspectives
- Honored to be asked to serve on Board
- What to do as well as how to do it is the question

Joan Hamilton – Member Senior Advisory Board

- Is executive Session to focus on the Chairman and the Board (response: will focus on Chairman)
- Requesting training by the City Clerk, feels that this will help keep confusion down
- E-mails that have been sent to her – gives the impression that programs are not being administered at the Senior Center and wants to reassure Council that they are
- Monday March 15, 2004 at 10:00 A.M. Special Meeting of the Senior Advisory Board

Break for 10 min

MOVED BY:	Williams	To suspend the rules to allow for Council Member Comments then adjourn in to Executive Session
SECONDED BY:	Jacobs	

VOTE ON MOTION	Motion Passes Unanimously
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COUNCIL MEMBER COMMENTS

Council Member Dyment – gave a reading of Robert’s Rules of Order. He commented that in the past the letter of the law is followed not the heart.

Council Member Jacobs – spoke about the good experience he had as a Jr. Ex-officio member sitting in a Council seat like Council Member Rodgers’ son. He welcomed to him to sit again.

Council Member Notti –commented about the road crew doing a wonderful job in moving Quonset Hut. He stated that it went smoothly, and it cost less than anticipated. He was also glad to see the response from Osborne Construction with the statistics listed as 60 % local hires and 50 % native hires – great job

Vice Mayor Williams – During Economic Summit there were 4 members present, this was a breach of the Open Meetings Act. He asked Council Member Notti to have the Public Works Committee look at roads with the BMP.

Council Member Trantham reported that the Senate Ethics Committee met and decided to tighten the rules on the Open Meetings Act because of alleged violations. Public will be allowed to give testimony and will let the public know when it will be available. Thank you to Council who are attempting to find solutions to problems and respect that has been shown here tonight. Welcome to Council member Rodgers’ son. Maybe one day a junior non-voting Council member will participate as in the past.

Council Member Rodgers spoke about a wonderful meeting tonight. He also made comments about the proposed 10% water and sewer increases. He said he was glad to see the Donut Hole proposals going forward. He also inquired about easements to cross private property for the road through the Donut Hole. He does agree that more roads are needed. He offered his condolences to the family in Chevak and the family member that is stuck in Bethel. Go hug an elder.

Mayor Short nation wide mayors are recognizing gay marriages, but he is not going to do so tonight.

MOVED BY:	Jacobs	To adjourn to Executive Session to finish City Clerks evaluation process
SECONDED BY:	Dyment	

Council Member Trantham asked the City Clerk to have the Executive Session with Council Members only. Discussion ensued about the question.

VOTE ON MOTION	Motion passes 5-2 (Trantham, Rodgers)
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Council came out of Executive Session at 9:45 P.M. to have discussions about the City Manager being present at the Executive Session.

MOVED BY:	Jacobs	To adjourn to Executive Session to finish City Clerks evaluation process
SECONDED BY:	Dyment	

VOTE ON MOTION	Motion Passes Unanimously
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Council reconvened at 10:10 P.M. to regular session

MOVED BY:	Notti	To Suspend the rules to go past 10:00 P.M.
SECONDED BY:	Dyment	

VOTE ON MOTION	Motion Passes Unanimously
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Vice-Mayor Williams discussed a previous motion to suspend the rules to have Council Comments in front of Executive Session. Therefore Council should adjourn at this time, with out taking any action.

MOVED BY:	Dyment	To grant 2.5% 6 month raise to City Clerk retro active to the six month mark
SECONDED BY:	Notti	

Discussion ensued about the contract that the City signed at time of hiring. The fact all members have had two opportunities to give evaluation and has not, therefore we should move forward. Discussions of the probation period and whether to extend it or not.

VOTE ON MOTION	Motion Passes 4-2 (Trantham, Williams)
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MOVED BY:	Jacobs	To Adjourn the meeting at 10:45 P.M.
SECONDED BY:	Notti	

VOTE ON MOTION	Motion Passes Unanimously
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APPROVED THIS ____ day of _____ 2004.

ATTEST:

Hugh Short, Jr., Mayor

Amanda Byington, City Clerk

