

CALL TO ORDER

Dan Boyette, on behalf of City Manager Lyman Hoffman, called the meeting to order at 7.41 pm.

ROLL CALL

Present: Binkley, Buttane, Hoffman, Sullivan, Veit

Absent: Guinn (business travel), Twitchell

Dan Boyette, on behalf of City Manager Hoffman (absent due to illness), accepted nominations for acting Mayor. M/M by Sullivan, 2nd by Hoffman to nominate John Binkley to act as acting Mayor. No other nominations. Voice vote, motion carried. John Binkley served as acting Mayor for the meeting.

APPROVAL OF MINUTES

The Council minutes for 1/23/84 were amended as follows:

Unfinished Business

- a. Item A: Council directed the Administration and Chief of Police to present to Council as soon as possible a budget and training outline for the proposed investigator and C/T dispatcher position.
- b. Item F: Council directed Administration to present to Council at the Feb. 13 Council meeting an implementation plan for the proposed reorganization of City Departments and an overview of the impact that implementation will have on the City departments with respect to staffing and personnel costs.

motion

M/M by Buttane, 2nd by Sullivan to approve the 1/23/84 Council minutes as amended and to return the minutes to Council at the 2/27/84 Council meeting. Voice vote, motion carried.

APPROVAL OF AGENDA

motion

M/M by Sullivan, 2nd by Hoffman to approve the agenda with the following changes:

New Business - add the following

- a. Item C - Chevron Oil Dock Use Tax
 - b. Item D - Emergency Hire Ordinance
 - c. Item E - Budget Modification Ordinance
 - d. Item F - Executive Session Personnel Matter
- Voice vote, motion carried.

MANAGER'S REPORT

Dan Boyette, on behalf of City Manager Hoffman, reported to Council on the following:

- a. Administration and Council met with the Governor the week of February 6 concerning the City Seawall project. \$5 million for the project is in a Senate bill, \$2.8 million is to be added to the project by the House.
- b. amended Title 29 is under consideration by the Legislature. Senator Sackett has introduced a bill allowing 2nd class cities to go directly to home rule. The bill by-passes the Title 29 amendments.

Councilmember Binkley reported to Council on the proposed Davis-Bacon Act changes discussed at the meeting with the Governor.

Councilmember Buttane inquired as to the status of the City Reorganization/Reclassification noting that Administration was to have before the Council at this meeting an outline for implementing the proposed reorganization. Dan Boyette, on behalf of the Administration, asked Council for additional direction as to what Council wanted in the implementation plan for the reorganization. Councilmember Sullivan suggested a work session with Administration prior to the next Council meeting to address Administration questions on the reorganization. Councilmember Veit suggested that Administration proceed with the implementation plan and note for Council any area where Administration foresees a problem with the implementation; but Administration should continue with the implementation process.

MAYOR'S REPORT

No Mayor's report.

REPORTS OF STANDING COMMITTEE

PARKS/RECREATION COMMITTEE MEETING - 12/20/83

M/M by Sullivan, 2nd by Buttane to accept the minutes of the 12/20/83 Parks/Recreation Committee meeting as presented. Voice vote, motion carried.

PEOPLE TO BE HEARD

Diane Carpenter addressed Council on the need to obtain greater community input concerning the impact that the new State jail facility will have upon Bethel. Ms. Carpenter requested that Council appoint an ad hoc committee to work with the Department of Corrections to develop a plan for dealing with the socio-economic impact that the jail will have on Bethel and to seek funds to conduct the socio-economic impact study. Councilmember Sullivan recommended coordinating the committee with the Planning Department. Councilmember Veit recommended that the citizens group continue to work on the impact study and that any ad hoc committee include a Councilmember, a member of the Administration, and someone from Corrections.

PEOPLE TO BE HEARD
CONTINUED

M/M by Veit, 2nd by Sullivan to appoint a subcommittee of the Environmental Health Committee to study the impact of the regional jail facility on Bethel and to make recommendations back to Council concerning the facility. Voice vote, motion carried. Council directed Administration to present a list to Council at the next Council meeting of those members of the public interested in serving on the subcommittee.

Councilmember Buttane, on behalf of Council, expressed his appreciation to Jack Flood, the former director of PATC, for his work as director of PATC and requested that Administration prepare a certificate recognizing Mr. Flood's work with the City; Council concurred in the request.

Councilmember Buttane recommended that Council address the alcohol issue (wet/dry status) with various community organizations, such as KCC, AVCP, and the churches. Mr. Buttane informed Council that members of the public had expressed concern over the recent advertisement by a local business suggesting the consumption of alcohol at the restaurant. Councilmember Hoffman spoke in opposition to Bethel going wet and recommended that any action on the matter involve the villages of the region. Al Kramer spoke in favor of community and village participation in any decision involving the legalization of the sale of alcohol at Bethel. Police Chief Varnell addressed Council concerning a new open container law for Bethel, informing Council that such a law would require the City to prosecute under the law and to pay for anyone jailed as a violator of an open container ordinance. Clark Miller recommended stronger penalties for violation of local option laws. Councilmember Buttane informed Council that in recent years the State has imposed stiffer sentences for violation of alcohol laws and suggested that the legislature should consider harsher penalties for the first sale of alcohol in violation of local option laws. M/M by Buttane, 2nd by Hoffman directing Administration to prepare, in conjunction with the City Attorney, a new open container ordinance for Bethel. Voice vote, motion carried.

Councilmember Veit recommended that Council review the City sales tax ordinance with respect to the exemption of taxicabs from the ordinance. Andy Edge spoke in opposition to extending exemptions under the sales tax ordinance.

Andy Edge recommended that Council hire its City Attorney locally and that the proposed Port Commission ordinance modification be placed before Council at the February 27 meeting. Council concurred.

PEOPLE TO BE HEARD
CONTINUED

Councilmember Sullivan requested that Administration follow-up on two State Department of Health and Social Services recommendations concerning PATC made over a year ago:

- a. conduct an evaluation of the Director of PATC
- b. formally establish the authority of PATC within the City structure

Mr. Sullivan requested that the two matters be brought to Council at the next meeting.

NEW BUSINESS

Item A: Public
Hearing Zoning

ZONING ORDINANCE - PUBLIC HEARING

Acting Mayor Binkley opened the Public Hearing at 8.55 pm; closed the hearing at 9.20 pm.

City Planner Stigall reviewed for Council the proposed zoning ordinance.

Councilmember Veit asked if this proposed ordinance would require major revisions in 3 - 5 years. City Planner Stigall indicated that it would require revisions within 3 - 5 years; that the proposed ordinance was the last of eight drafts and reflected the results of many public meetings and Planning Commission sessions. City Planner Stigall indicated that the proposed ordinance is immediately enforceable and flexible in its approach.

Councilmember Hoffman asked what effect the ordinance would have on restricted deeds. City Planner Stigall informed Council that the proposed ordinance does not address restricted lands as long as they retain that status.

Councilmember Sullivan reported that the Planning Commission supported the concept of zoning and that there was a need to protect one's interest in land from non-compatible development and use. Mr. Sullivan indicated a preference for a more comprehensive plan expressing concern that the proposed ordinance deal adequately with lot size, wetlands, and compatible use.

Andy Edge suggested that the matter of zoning go before the voters before enactment of the ordinance.

City Planner Stigall informed Council that the City does not have the authority to enforce covenants that run with the land in subdivisions; however, a zoning ordinance would give the City enforcement authority.

Councilmember Buttane stated that the proposed ordinance represented a good compromise and that he was supportive of the ordinance.

UNFINISHED BUSINESS
CONTINUED

Item A: Zoning

Councilmember Binkley indicated a preference for a stronger zoning ordinance.

Councilmember Buttane recommended continuing the discussion at the first Council meeting in March and to set a May date for a vote on zoning.

Councilmember Hoffman requested that an interpreter be present at any future public meetings on zoning.

Council agreed to hold a public hearing on zoning at the first meeting in March and to set a date for a vote on zoning at that meeting.

Item B: Disco
Building

DISCO BUILDING DISPOSITION

Al Kramer of Helping Hands Inc. informed Council that no final action is required by Council at this meeting; however, Helping Hands Inc. has no objection to either the lease or purchase of the building but is not interested in removing the building if the lease/purchase arrangement is terminated.

Councilmember Buttane indicated a preference for a lease agreement with the option to sublet.

motion

M/M by Sullivan, 2nd by Veit directing Administration to present to Council at the February 27 Council meeting 2 draft documents, one for the sale of the property, the other for the lease and right to sublet with the inclusion of a reverter clause and a clarification by the City Attorney as to the City's liability concerning any City retained interest in the property. Voice vote, 4 yes, 1 no, motion carried.

Council recessed from 9.35 - 9.48 pm.

Item C: Committee
Ordinance

COMMITTEE ORDINANCE

M/M by Sullivan, 2nd by Veit to table the matter of the Committee Ordinance until the first meeting in March. Voice vote, motion carried.

motion

Item D: City Re-
organization

CITY REORGANIZATION/RECLASSIFICATION

M/M by Sullivan, 2nd by Veit to table Item D until February 27. Councilmember Buttane objected to the tabling motion and expressed disappointment that the Administration had not presented an implementation plan for the City reorganization.

Councilmember Veit requested that Council set an implementation date for the reorganization plan.

UNFINISHED BUSINESS
CONTINUED

Item D: City Re-
organization

CITY REORGANIZATION/RECLASSIFICATION

Councilmember Sullivan expressed the need for Council to get on with the reorganization.

Council set 7.30 pm, February 22, as the date for a work session on the reorganization plan.

Voice vote on the motion to table Item D pending the outcome of the February 22 work session.
Motion carried.

NEW BUSINESS

Item A: CZM
Resolution

CZM RESOLUTION

Cheryl Keepers, CZM Planner, reviewed the reason for the resolution stating that the State requires formal Council authorization in order to continue funding of the CZM program.

motion

M/M by Buttane, 2nd by Sullivan to accept Resolution 425. Voice vote, motion carried.

motion

M/M by Sullivan, 2nd by Hoffman to go past 10 pm. Voice vote, motion carried.

Item B: Modifi-
cation 5 of Ordinance 107

PUBLIC HEARING ON MODIFICATION #5 OF ORDINANCE 107

Acting Mayor Binkley opened the public hearing at 10 pm; the public hearing closed at 10.08 pm.

Dan Boyette, on behalf of Administration reviewed for Council the proposed modification setting the maximum rate to be charged by taxicabs.

Fay Short of Kusko Cab expressed his concern that cab fares remain consistent and not fluctuate as could happen if no minimum rate is set.

motion

M/M by Buttane, 2nd by Hoffman to adopt Modification #5 to Ordinance 107. Poll vote, motion carried.

Item C: Chevron
1¢ Use Tax

CHEVRON 1¢ USE TAX

Councilmember Hoffman informed Council that Chevron has been charging Hoffman Fuel the 1¢ use tax on diesel and heating fuel in violation of the use tax agreement. Mr. Hoffman requested that the City reimburse Hoffman Fuel for the incorrect charge by Chevron.

motion

Councilmembers Buttane and Sullivan did not agree that the City was liable for the payments made by Hoffman Fuel. M/M by Sullivan, 2nd by Veit to table the matter until the February 27 meeting. 2 yes, 3 no, motion failed.

NEW BUSINESS CONT

Item C: Chevron
Use Tax

M/M by Veit directing administration to bring to Council all requests for money adjustments to contracts in amounts of \$5000.00 or more and for Administration to make recommendations on the adjustment. Motion failed for lack of a second.

Council requested that Administration keep Council informed on such matters.

Item D: Emergency
Ordinance 84-1

EMERGENCY ORDINANCE 84-1: POLICE DEPARTMENT HIRING

Police Chief Varnell reviewed the request for the two positions: a) investigator b) clerk/typist dispatcher. Chief Varnell indicated that it may be difficult to recruit someone from in State for the investigator position at the listed salary but suggested that the position at the requested salary be advertised first before any adjustments are made.

Councilmembers Sullivan and Buttane suggested that if it appears that a salary adjustment is required it should be done now.

Councilmember Binkley inquired as to who will receive training under the training funds included in the position funds. Chief Varnell informed Council that the training money would be used for the entire staff and not just for the investigator.

Councilmember Binkley inquired as to the status of the police department budget, particularly as to overtime money. Chief Varnell informed Council that overtime is not a police department budget item but is handled by Administration; the police department is presently within budget.

Councilmember Veit suggested that if the salary is not sufficient to attract a qualified party that Chief Varnell could come back to Council for an adjustment.

Councilmember Sullivan suggested that the positions be funded at 58% of the listed salary request to reflect the hiring at this point in the fiscal year.

motion

M/M by Buttane, 2nd by Sullivan to adopt Emergency Ordinance 84-1 as presented. Poll vote, motion carried.

NEW BUSINESS CONT

Item E: Amendment
#2, Ordinance 146

AMENDMENT #2, ORDINANCE 146 (AMENDMENT TO FY '84
BUDGET ORDINANCE)

M/M by Buttane, 2nd by Sullivan to introduce amendment #2 to Ordinance 146 and to set the ordinance amendment for a public hearing in 30 days with the salary figures for the two positions to be funded at 58% of the requested amounts but no adjustments to be made to the training figures. Voice vote, motion carried.

Item F: Executive
Session, Personnel
Matters

EXECUTIVE SESSION PERSONNEL MATTERS

M/M by Buttane, 2nd by Sullivan to go into executive session. Voice vote, motion carried. Executive session from 10.50 - 11.08 pm.

ADJOURNMENT

M/M by Veit to adjourn. The meeting adjourned at 11.09 pm.

PASSED AND APPROVED THIS *27th* DAY OF FEBRUARY, 1984.



John Binkley
John Binkley, Mayor

Johne Binkley, Acting Mayor

ATTEST:



Wayne J. Maiers, City Clerk

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