City of Bethel, Alaska
City Council Minutes

July 17, 2006 | Special Meeting | Bethel, Alaska

CALL TO ORDER

A Special Meeting of the Bethel City Council was held on July 17, 2006, at 6:30p, in the Council Chambers, Bethel, Alaska.

Mayor Williams called the meeting to order at 6:30p

ROLL CALL

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

Members present:
- Mayor R. Thor Williams
- Council Member Hugh Dyment
- Council Member Tundy Rodgers
- Council Member Leinberger Dan
- Council Member Dave Trantham
- Vice Mayor Mary Kenick
- Council Member Andrew McGowan (arrived at 6:32 p.m.)

Others present:
- City Clerk Sandra Modigh
- City Attorney Sharon Sigmon
- City Manager Wally Baird

PEOPLE TO BE HEARD

1. Anne Marshall addressed Council to state that she is an attorney here as legal representation for Mr. David Graf and his property 226 Akiak Drive. Mrs. Marshall stated that while Mr. Graf was incarcerated some of his belongings were impounded by the City of Bethel without notice and these belongings are essential for Mr. Graf to clear the property located at 226 Akiak Drive. Mrs. Marshall stated Mr. Graf does not plan to incur any debt to the property owner, his aunt; however, he doe not have the equipment to remove the material from the property and would like some assistance from the City. Mrs. Marshall stated that without cooperation from the City she feels that she has no other option other than to file suit against the City of Bethel. Mrs. Marshall stated that she would like a copy of the contract between the City of Bethel and Mr. Sheer and a list of Mr. Grafs belongings impounded by the City of Bethel.

APPROVAL OF THE AGENDA

MOVED:	Leinberger	To approve the agenda for the July 17, 2006 Special City Council Meeting.
SECONDED:	Kenick	
VOTE ON MAIN MOTION	Carried unanimously.	

UNFINISHED BUSINESS

Item A- Public Hearing To Address Two Proposed Public Nuisances

1. 621 Setter Drive
2. 226 Akiak Drive

Planning Director Rick Abboud and Code Enforcement Officer Jeff Lee addressed Council to explain to Council how he and the Planning department have deemed 621 Setter Drive and 226 Akiak Drive as public nuisances. The Planning department presented a slide show of each property pertaining to the public nuisance claim and provided Council specific dates as to action taken by the Planning Department prior to claiming the addresses a public nuisance.

Mike Typpo addressed to inform Council that he has been working on cleaning up his property and stated that this is a work in progress. Mr. Typpo advised Council that he currently has three vehicles on his property that he does not consider junk and would like to keep them. Mr. Typpo has requested that the City bring back the dumpster to continue his efforts to clean up his property. Mr. Typo stated that the City employees have been courteous while dealing with him and this matter. Mr. Typpo requested that the same extension courtesy that was granted to Mr. Bianci be extended to him. Mr. Typpo advised Council that he will be requesting the City's assistance to remove larger items from his property.

Vice-Mayor Kenick inquired as to how long Mr. Typpo thought he would need to clean up his property to which Mr. Typpo stated 2-3 weeks.

Vice-Mayor Kenick also inquired as to how Mr. Typpo will ensure that he will maintain his property and Mr. Typpo stated that there is more income within his household to help with this matter.

Council Member Leinberger stated that his main concerns are the oil spills on his property to which Mr. Typpo stated that he has not been cited for an oil spill and he stated that he does not have an oil spill on his property.

Council Member Leinberger stated that his second concern is the use of honey buckets on the property and inquired whether or not the City is responsible to assist citizens that are not able to fund indoor plumbing.

Jeff Lee advised Council that at the bottom of the page of a City of Bethel notice that is hand delivered to the property owner is a disclaimer that the City of Bethel will assist the property owner if they have fallen on hardship.

Mr. Typpo stated that he is aware of the City assisting him and has requested to have his tank pumped and is working with the City on a schedule.

Mayor Williams stated that he is not aware of a non-scheduled tank evacuation and inquired as to whether or not the City has such a structure.

Mayor Williams advised Mr. Typpo that his property needed to be cleaned up immediately and there is no reason not to have it done.

Council Member Trantham inquired about a timeline for Mr. Typpo to cleanup his property and Jeff Lee advised Council that the City had already provided Mr. Typpo a timeline to comply with the City which Mr. Typpo has not met.

Council concurred to take a recess from 7:33 p.m. until 7:44 p.m.

Council was provided a copy of the "Order of Compliance" hand delivered by the City to Mr. Typpo.

MOVED:	Dyment	The City of Bethel has reviewed the evidence presented by the City of Bethel located at 621 Setter Drive. From the evidence presented, the City of Bethel has determined that a public nuisance exists at the above location. The City of Bethel hereby orders the owner of the said property corrects the defected list below by August 7, 2006 including trash non operable vehicles and other item in violation of the BMC. If the property owner cannot or refused to remove the items cited above the City of Bethel shall remove them with the cost borne by the property owner.
SECONDED:	Leinberger	

MOVED:	Leinberger	To suspend the rules to allow public testimony from Mr. Typpo.
SECONDED:	Dyment	
VOTE ON MAIN MOTION	Carried unanimously.	

Mr. Typpo stated that he has items on his property that he does not consider junk and would like to keep on his property although they are not operable at this time. Mr. Typpo would like Council to clarify whether or not he is able to keep these items.

City Manager Baird advised Council that Mr. Typpo has agreed to put wheels on the vehicles to comply with the BMC.

Mr. Typpo stated that he appreciates the time that the City has given him to deal with this matter and stated that this motion is acceptable to him.	
VOTE ON MAIN MOTION	Carried unanimously.

Planning Director Mr. Abboud stated that any requests for public records need to be addresses through the City Clerks office.

Planning Director Mr. Abboud and Code Enforcement Officer Mr. Lee presented pictures and specific information regarding the public nuisance regarding 226 Akiak Drive.

Code Enforcement Officer Mr. Lee stated that the property owner has been very cooperative during this issue and that although this is her responsibility he does not believe this is the property owners fault.

Council Member Dyment inquired as to whether or not there are civil ramifications towards the offending party.

City Attorney Mrs. Sigmon and Code Enforcement Officer Mr. Lee stated that there could be legal ramifications to the current tenant on the owner's property.

Property owner Elme Gunder addressed Council to state that it was her intention to demolish the property prior to her ex-husband passed away. Mrs. Gunder stated that she allowed Mr. Graf to move into her home because he didn't have anywhere else to go and he agreed that he would not bring any junk onto the property and would try to make improvements to the property which he did not do. Mrs. Gunder advised Council that she is afraid for her life by her tenant and has not confronted the tenant but has written a letter to the City of Bethel for help in this matter. Mrs. Gunder advised Council that she does not charge rent and informed the tenant that the property is not safe.

Mrs. Gunder advised Council that she has requested to the tenant that the tenant leave the property.

Council concurred to recess from 8:27 p.m. until 8:33 p.m.

MOVED:	Leinberger	To suspend the rules to allow public testimony
SECONDED:	Rodgers	
VOTE ON MAIN MOTION	Lost: 2 - 5 Leinberger, Trantham voting for.	

Council Member Trantham requested a recommendation from City Administration.

City Manager Mr. Baird stated that his recommendation is for Council to find this property to be a public nuisance and for notices to be sent out in compliance of the BMC including specifying the material to be removed fro the property.

MOVED:	Trantham	To accept the City Managers recommendation as presented "from the evidence presented the City of Bethel has determined the property to be a public nuisance and for the City of Bethel to give notice proper notice to the property owner allowing 10 days to comply.
SECONDED:	McGowan	

MOVED:	Dyment	To amend the motion to include a date of two months from today to comply with the BMC.
SECONDED:	McGowan	

MOVED:	Leinberger	To suspend the rules to allow public testimony to only discuss the remedies of the matter
SECONDED:	Dyment	

VOTE ON MAIN MOTION	Carried unanimously.

VOTE ON MAIN MOTION	Carried: 6 - 1 Trantham voting against.

Planning Director Abboud addressed Council to state that Council can declare that the property be vacated and can be done so in 30 days and is in support of the motion and its amendment.

Code Enforcement Officer Mr. Lee stated that this decision should be up to Mrs. Gunder.

Mrs. Gunder stated that she would like to have her property cleaned up as soon as possible and does not have funds to do so.

Code Enforcement Officer Mr. Lee advised Council that the police department was contacted today to remove people from the property.

The Planning Department made suggestions to work with the property owner to bring the property up to code.

Anne Marshall addressed Council to state that she is here to make clear that Mr. Graf does not live on this property and does not have his items removed and her presence at the meeting is to allot time to give the alleged tenant time to remove his property.

Council discussed Mr. Grafs current vehicles impounded.		
MOVED:	Rodgers	To amend the amendment to direct City Administration to work with the property owner and Mr. Graf to comply with the BMC within 60 days.
SECONDED:	Dyment	
VOTE ON MAIN MOTION	Carried: 6 - 1 Trantham voting against.	
VOTE ON MAIN MOTION	Carried unanimously.	

Mayor Williams stated that Council has been given a packet regarding the AML legislative issues and would like Council and administration to review the material and make suggestions to the material.

ADJOURNMENT

MOVED:	Dyment	To adjourn meeting at 9:25 p.m.
SECONDED:	Kenick	
VOTE ON MAIN MOTION	Carried: 6 - 1 Williams voting against.	

With no further business before the Council, the meeting adjourned at 9:25 p.m.

APPROVED THIS 25th DAY OF JUNE 2006.

ATTEST:

Sandra Modigh, City Clerk

R. Thor Williams, Mayor