
City of Bethel City Council Meeting Minutes

October 23, 2007

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on October 23, 2007 at 6:30p, in the Council Chambers, Bethel, Alaska.

Mayor Kenick called the meeting to order at 6:30p.

I. ROLL CALL

Members present:

Mayor Mary Kenick
Vice-Mayor Eric Middlebrook
Council Member Tundy Rodgers
Council Member Dan Leinberger
Council Member Yolonda Jorgensen
Council Member R. Thor Williams
Council Member Tiffany Zulkosky

Others present:

City Manager Wally Baird
City Attorney Sharon Sigmon
City Clerk Sandra Modigh

II. PEOPLE TO BE HEARD

1. Elsie Westman addressed Council to invite the Council & community to attend the Pandemic Influenza Workshop being held on October 25th & 26th at the Cultural Center.
2. Beverly Hoffman addressed Council to request Council support ordinance 07-12 (B) and the Multiuse Recreation Facility. Mrs. Hoffman requested that Council direct the Administration to pursue grants to support the facility. Mrs. Hoffman thanked Council for their services and spoke in favor of ordinance 07-24 regarding a stipend for council members.
3. Hugh Dymont addressed Council to state that he had some concerns to address with Council. The first concern is that there may have been a potential violation of the conflict of interest law by Council Member Rodgers participating in a vote as a Planning Commission member on an issue that was conflict of interest and would like the issue to be re-voted

on with Council Member Rodgers abstaining from participating. Mr. Dymont spoke in favor of Council Members posting their APOC statements on line. Mr. Dymont also suggested that Council send the Attorney General a letter regarding the Crowley monopoly. Mr. Dymont addressed the unsolved homicides and stated that this issue needs to be addressed as well as the Police Department staffing problems. Mr. Dymont stated that he doesn't expect the Council to solve all the problems but he does expect them to be ethical and brave enough to do the right thing. Mr. Dymont spoke in favor of Council Members receiving a stipend.

4. Michelle Dewitt spoke in favor of resolution 07-32 which would help fund a new facility for the Tundra Women's Collation (TWC) and stated that she would answer any questions that the Council or community may have.

III. APPROVAL OF THE CONSENT AND REGULAR AGENDA

MOVED:	Williams	To approve the Consent & Regular Agenda for the October 23, 2007 Regular City Council Meeting as amended, removing resolutions 07-31-33 and ordinances 07-23-25 from the consent agenda and postponing ordinances 07-12 (B,C,D) until the next city council meeting.
SECONDED:	Rodgers	
MOVED:	Middlebrook	To table introduction of ordinances 07-12 B, C, D until the next council meeting.
SECONDED:	Williams	
MOVED:	Leinberger	To divide the question.
SECONDED:	Jorgensen	
VOTE ON MAIN MOTION	Carried: 4 - 3 Kenick, Rodgers, Williams voting against	
To postpone the introduction of ordinance 07-13 (B)		
Carried: 4 - 3 Leinberger, Jorgensen, Zulkosky voting against.		
To postpone the introduction of ordinance 07-12 (C)		

<p>Carried: 6 - 1 Williams voting against.</p> <p>To postpone the introduction of ordinance 07-13 (D)</p> <p>Carried unanimously.</p>	
VOTE ON MAIN MOTION	<i>Motion divided</i>
VOTE ON MAIN MOTION	Carried: 6 - 1 Rodgers voting against

IV. SPECIAL ORDER OF BUSINESS

Item A- Award of Appreciation Presentation For City Of Bethel Employee, William "Billy" Stuart

Mayor Kenick awarded Mr. Billy Stuart and award of appreciation for his 33 years of service as an employee.

V. APPROVAL OF MEETING MINUTES

**Item A- 10/9/07 Regular City Council Meeting
Item A- 10/15/07 Special City Council Meeting**

Meeting Minutes were approved on the consent agenda.

VI. UNFINISHED BUSINESS

Item A- Public Hearing of Ordinance 07-22: An Ordinance Amending The Bethel Municipal Code 2.04.100 Regarding Council Vacancies

Public Hearing:

1. Hugh Dyment addressed Council speak in favor of ordinance 07-22 and suggested an amendment to have this also apply to committees & commissions.

MOVED:	Leinberger	To adopt ordinance 07-22: An Ordinance Amending The Bethel Municipal Code 2.04.100 Regarding Council Vacancies
SECONDED:	Jorgensen	
MOVED:	Williams	To insert "special" after regular
SECONDED:		
VOTE ON MAIN MOTION	<i>Failed for lack of a second</i>	
MOVED:	Rodgers	To amend the ordinance to state "misses 3 regular & special meetings unexcused"
SECONDED:	Williams	
VOTE ON MAIN MOTION	Failed: 2 - 5 Rodgers, Williams voting for	
MOVED:	Zulkosky	To amend the ordinance to state "misses 5 regular meetings in a calendar year unless excused by the council"
SECONDED:	Rodgers	
MOVED:	Williams	To insert 1 st meeting in October through the last meeting in September after calendar year.
SECONDED:	Leinberger	
VOTE ON MAIN MOTION	Carried unanimously	
VOTE ON MAIN MOTION	Carried: 5 - 2 Middlebrook, Leinberger voting against	
MOVED:	Rodgers	To include section C. to provide

		packets on the agenda
MOVED:	Middlebrook	to provide material to council members within the council packet to teleconference in.
SECONDED:	Williams	
VOTE ON MAIN MOTION	Carried unanimously	
VOTE ON MAIN MOTION	Failed unanimously	
MOVED:	Williams	To revise the effective date to reflect effective immediately
SECONDED:	Rodgers	
VOTE ON MAIN MOTION	Carried unanimously	
MOVED:	Rodgers	To break for 10 minutes.
SECONDED:	Jorgensen	
VOTE ON MAIN MOTION	Carried: 4 - 3 Middlebrook, Leinberger, Zulkosky voting against	
VOTE ON MAIN MOTION	Failed: 2 - 5 Kenick, Williams voting for	
MOVED:	Williams	To suspend the rules to move item B forward as item A under new business.
SECONDED:	Rodgers	
VOTE ON MAIN MOTION	Carried unanimously	

VII. NEW BUSINESS

Council member Leinberger declared a conflict of interest; Mayor Kenick agreed.

Item A- Resolution 07-32: A Resolution Authorizing Participation In An FY 2007 Community Development Block Grant Application And FY 2007 Homeless Assistance Program Community Development Block Grant Application To Fund Costs Associated With Construction Of A New Tundra Women’s Coalition Building In Bethel, Alaska

MOVED:	Middlebrook	To adopt Resolution 07-32: A Resolution Authorizing Participation In An FY 2007 Community Development Block Grant Application And FY 2007 Homeless Assistance Program Community Development Block Grant Application To Fund Costs Associated With Construction Of A New Tundra Women’s Coalition Building In Bethel, Alaska
SECONDED:	Zulkosky	
MOVED:	Williams	To amend the title to read” A resolution authorizing participation in the FY 2007 community development block grant program and FY2007 homeless assistance program community development block grant to fund costs associated....
SECONDED:	Rodgers	
VOTE ON MAIN MOTION	Carried unanimously	
MOVED:	Williams	To amend the last whereas to insert the words “and reporting” after submission.
SECONDED:	Rodgers	
VOTE ON MAIN MOTION	Carried unanimously (Leinberger abstaining)	
VOTE ON MAIN		

MOTION	Carried unanimously (Leinberger abstaining)
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**Item B- Resolution 07-31: A Resolution By The Bethel City Council
Dedicating The Bethel Courthouse Building In Honor Of Nora Guinn**

MOVED:	Leinberger	To adopt Resolution 07-31: A Resolution By The Bethel City Council Dedicating The Bethel Courthouse Building In Honor Of Nora Guinn
SECONDED:	Jorgensen	
VOTE ON MAIN MOTION		
Carried unanimously		

MOVED:	Leinberger	To direct administration to come up with a dedication date and report back to Council.
SECONDED:	Rodgers	
VOTE ON MAIN MOTION		
Carried unanimously		

**Item C- Resolution 07-33: A Resolution Authorizing Pursuit Of Denali
Commission Waterfront Development Program Funds To Pay For Phase
2 Of The River Bank Stabilization Project Extension Council was
advised that the committee has not met since the last council meeting**

MOVED:	Rodgers	To adopt Resolution 07-33: A Resolution Authorizing Pursuit Of Denali Commission Waterfront Development Program Funds To Pay For Phase 2 Of The River Bank Stabilization Project Extension Council was advised that the committee has not met since the last council meeting.
SECONDED:	Leinberger	
MOVED:		
	Leinberger	To amend the resolution to insert a

		improvements resulting from completion of this project and expects those maintenance costs to be substantially reduced as a result of the project"
MOVED:	Middlebrook	To insert the words "to continue" after the word pledges in the last whereas
SECONDED:	Leinberger	
VOTE ON MAIN MOTION	Carried unanimously	
VOTE ON MAIN MOTION	Carried unanimously	
VOTE ON MAIN MOTION	Carried unanimously	

Item D- Introduction Of Ordinance 07-12 (B): An Ordinance of the Bethel City Council Amending the Adopted Annual FY 2008 Budget By Appropriating \$500,000 For Multiuse Recreation Center and Recognizing Anticipated Increase to Sales Tax Revenue

Ordinance 07-12 (B) was tabled until the November 13, 2007 Council Meeting.

Item E- Introduction Of Ordinance 07-12 (C): An Ordinance OF The Bethel City Council Amending The Adopted Annual FY2008 Budget

Ordinance 07-12 (C) was tabled until the November 13, 2007 Council Meeting.

Item F- Introduction Of Ordinance 07-12 (D): An Ordinance Of The Bethel City Council Amending The Adopted Annual FY2008 Budget By Restoring Full Funding For A Time Safety Coordinator Position And A Full Time Code Enforcement Office Position, Currently A Combined Position Of City Safety Coordinator/Code Enforcement Officer

Ordinance 07-12 (D) was tabled until the November 13, 2007 Council Meeting.

Item G- Introduction Of Ordinance 07-23: An Ordinance By The Bethel City Council Amending Bethel Municipal Code 2.52.040-Board, Committee, And Commission Qualifications

MOVED:	Leinberger	To introduce ordinance 07-23: An Ordinance By The Bethel City Council Amending Bethel Municipal Code 2.52.040-Board, Committee, And Commission Qualifications
SECONDED:	Jorgensen	
VOTE ON MAIN MOTION		
Carried: 4 - 3 Kenick, Rodgers, Williams voting against		

Item H- Introduction Of Ordinance 07-24: An Ordinance By The Bethel City Council Amending Chapter 2.04 Of The Bethel Municipal Code To Provide A Stipend For City Council Members

MOVED:	Leinberger	To introduce ordinance 07-24: An Ordinance By The Bethel City Council Amending Chapter 2.04 Of The Bethel Municipal Code To Provide A Stipend For City Council Members
SECONDED:	Jorgensen	
VOTE ON MAIN MOTION		
Carried: 5 - 2 Rodgers, Williams voting against		
VOTE ON MAIN MOTION		
Carried: 4 - 3 Middlebrook, Rodgers, Williams voting against		

Item I- Introduction Of Ordinance 07-25: An Ordinance By The Bethel City Council Designating The Mayor As A Member-At-Large Of All Committees & Commissions

MOVED:	Leinberger	To introduce ordinance 07-25: An Ordinance By The Bethel City Council Designating The Mayor As A Member-At-Large Of All Committees & Commissions
SECONDED:	Rodgers	
MOVED:	Leinberger	To insert at the end of (B) attendance by mayor, as an at-large-member, shall not be required.
SECONDED:	Rodgers	
VOTE ON MAIN MOTION	Carried: 6 - 1 Williams voting against	
VOTE ON MAIN MOTION	Carried: 4 - 3 Kenick, Middlebrook, Williams voting against	

MOVED:	Leinberger	To suspend the rules to proceed past 10p.
SECONDED:	Rodgers	
VOTE ON MAIN MOTION	Carried unanimously	

MOVED:	Williams	To recess for ten minutes
SECONDED:	Rodgers	
VOTE ON MAIN MOTION	Carried: 5 - 2 Leinberger, Zulkosky voting against	

Item J- Appointment Of A City Council Member Representative To The Yuut Elitnaurvait Full Board Seat Vacancy

Council Member Zulkosky declared a conflict of interest; Mayor agreed.

Council Member Williams nominated Mayor Kenick

Mayor Kenick respectfully declined the nomination

Mayor Kenick nominated Council Member Leinberger

Council Member Rodgers nominated Council Member Williams

Council Member Leinberger was appointed by a vote of 4-2.

Item K- Approval Of City Manager Personal Leave October 25th & 26th 2007

City Manager requested this item be removed from the agenda.

Item L- Discussion Of Legislative Priorities

MOVED:	Leinberger	To request council individually provide their priorities at the next council meeting.
SECONDED:	Williams	
VOTE ON MAIN MOTION		
Carried unanimously		

Item M- City Of Bethel Adhoc Multiuse Recreation Center Committee

MOVED:	Leinberger	To create a City of Bethel Adhoc Recreation Facility Center Committee
SECONDED:	Jorgensen	
VOTE ON MAIN MOTION		
Carried: 5 - 2 Rodgers, Williams voting against		
VOTE ON MAIN		

MOTION	Carried: 5 - 2 Rodgers, Williams voting against
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Item N- Chief Of Police Hiring Status

City Manager stated that he will be reviewing applications at the end of this month to fill the position of the Chief of Police. In the interim, Andrea Achee has been appointed as Acting Chief, effective as of November 1st.

Item O- Proposition #1 Sales Tax Increase Effective Date

MOVED:	Jorgensen	To direct administration to implement an effective date of January 1, 2008
SECONDED:	Leinberger	
MOVED:	Rodgers	To amend the implementation date to January 4, 2007.
SECONDED:	Williams	
VOTE ON MAIN MOTION	Failed: 3 - 4 Rodgers, Williams, Zulkosky voting for	
VOTE ON MAIN MOTION	Carried: 5 - 2 Rodgers, Williams voting against	

MOVED:	Leinberger	To proceed past 11p.
SECONDED:	Middlebrook	
VOTE ON MAIN MOTION	Carried unanimously	

VIII. REPORTS OF STANDING COMMITTEES

Parks & Recreation Committee (Council Member Jorgensen) advised Council that the committee has not met since the last council meeting. Council Member Jorgensen advised Council that the committee is recruiting volunteers to create an ice pond at Pinky's Park.

Council Member Leinberger (Finance Committee & Alternative Energy Committee) advised Council that neither committee has met since the last council meeting.

Mayor Kenick (Cemetery Committee) advised council that the committee has not met since the last council meeting.

Vice-Mayor Middlebrook (Public Works Committee) advised council that the committee discussed beginning a study by metering some of the houses in City Sub.

Council Member Williams (Planning Commission) advised council that commission discussed the following at their last meeting:

- Resolution 07-05 re: Nora Guinn dedication
- AVCP appeal denied

Council Member Rodgers (Port Commission) advised council that the commission discussed the following at their last meeting:

- Logging

Council Member Rodgers referred to a letter provided in the packet regarding the behavior of the commission and Council Member Rodgers stated that he will keep council informed on this matter.

IX. MAYOR'S REPORT

- AML Conference

X. MANAGER'S REPORT

- Issue of revocation of a cab license
- VSW teleconference
- DOT-ear marked funding, still no response

XI. CLERK'S REPORT

No report provided

XII. COUNCIL MEMBER COMMENT

Council Member Rodgers- said Happy Birthday to all elder and stated, hug an elder.

Council Member Williams stated his condolences to the Kalskag family for the loss of their child and thanked the community and his family for electing him to office.

Vice-Mayor Middlebrook stated that he would like to send out best wishes to his friend, Lucy Daniels who is going through surgery. Council Member Middlebrook also welcomed home the troops.

Mayor Kenick welcomed home the troops and stated that the meeting went very well and hoped for the same at future meetings.

Council Member Leinberger welcomed back members of the National Guard and joked that his last meeting as Mayor, the meeting ended at 8:30p.

Council Member Zulkosky welcomed home the troops, thanked her parents, and reminded the community to apply for committee/commission vacancies.

Council Member Jorgensen thanked the community for listening, and welcomed home the troops, and reminded community members to apply for committee/commission vacancies.

XIII. EXECUTIVE SESSION

Item A-Per BMC 2.04.110 B. 3. - Matters That By Law Or Ordinance Are Required To Be Confidential: Attorney Client Update On Case #3:07-cv-0098-TMB

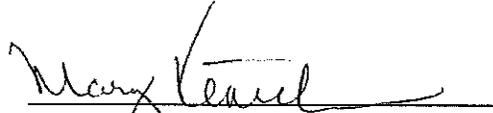
MOVED:	Leinberger	To proceed into executive session Per BMC 2.04.110 B. 3. - Matters That By Law Or Ordinance Are Required To Be Confidential: Attorney Client Update On Case #3:07-cv-0098-TMB
SECONDED:	Jorgensen	
VOTE ON MAIN MOTION		
Carried unanimously		

XIV. ADJOURNMENT

MOVED:	Rodgers	To adjourn the meeting.
SECONDED:	Middlebrook	
VOTE ON MAIN MOTION		
Carried: 6 - 1 Williams voting against		

With no further business before the Council, the meeting adjourned at 12:10p.

APPROVED THIS 13TH DAY OF NOVEMBER 2007.


Mary Kenick, Mayor

ATTEST:


Sandra Mbdigh, City Clerk