

CITY COUNCIL

Kent Harding
Buford McComas
Tad Miller
Mary Pavil
Ruth Richardson, Mayor
Stanley Rodgers
Wally Wallace



CITY MANAGER

Ken Weaver

CITY CLERK

L.J. Tanner

City of Bethel
Regular Council Meeting Minutes
February 27, 1996

I. CALL TO ORDER

The meeting was convened at 7:30 p.m. by Mayor Richardson in the Log Cabin, Bethel, Alaska.

II. ROLL CALL

Present: Harding, Miller, Pavil, Richardson, Rodgers, Wallace
Absent: McComas (Excused)

III. PEOPLE TO BE HEARD

Dave Trantham, Bethel, spoke about the problem of bootleggers and drunks in Bethel. He made his remarks on behalf of a group of citizens who have formed a committee to address the problem. The committee proposes to Council that persons arrested for bootlegging be found in violation of the City's business licensing and sales tax ordinances, and charged for back taxes.

Tom Warner, Bethel, stated his opinion that Executive Session Item A, Public Works Safety Issues, should be open to the public. Mayor Richardson agreed. Council Member Miller noted that he asked for the discussion to be placed in Executive Session because he wants to discuss the potential for legal liability stemming from the safety problems.

IV. APPROVAL OF MINUTES

Mayor Richardson asked for a correction to the minutes of the February 13, 1996 regular meeting, to show the election of Council Member McComas as Acting Mayor.

motion M/M by Rodgers, 2nd by Wallace to amend the minutes as requested, and to approve the minutes of the February 13, 1996 regular meeting as amended.

vote Voice vote. Motion carried unanimously.

V. APPROVAL OF AGENDA

Mayor Richardson stated that she would like to further define the Public Works Executive Session Item. City Manager Weaver announced that he could discuss certain aspects of the Public Works Safety Issues, as long as no personnel items are discussed.

Council Member Miller stated that he would like to see the Item removed altogether rather than discussed in the open session. He asserted that his chief concern is discussion of legal liability relating to the safety problems. Mayor Richardson suggested that the Item be renamed, to reflect the reason for discussion in Executive Session, to "Public Works Legal Liability."

Mayor Richardson asked that New Business Item B, an Ordinance to repeal sections of Ordinance #96-6, passed at the February 13, 1996 regular council meeting, be removed.

Her reasons are that the provisions passed in Ordinance #96-6 are a matter of public safety, and that a lot of work by the Transportation Committee went into the development of Ordinance #96-6. Council Member Miller stated that after speaking with numerous cab drivers, he believes there are good reasons to reconsider the ordinance. Mayor Richardson stated that the issue should be referred back to the Transportation Committee, and that Council Member Miller should attend the committee meeting to hear the discussion.

Mayor Richardson advised Council that a letter, recently received from the City Attorney, regarding Crow vs. City of Bethel has been added to their packet, and this needs to be added to the agenda under Executive Session.

motion M/M by Richardson, 2nd by Miller, to amend the agenda by removing New Business Item B, and adding Executive Session Item B: Crow vs. City of Bethel.

vote Voice vote. Motion carried unanimously.

motion M/M by Miller, 2nd by Wallace, to approve the agenda as amended.

vote Voice vote. Motion carried unanimously.

VI. MAYOR'S REPORT

Incoming Correspondence

Mayor Richardson reviewed the following correspondence:

- Legislative report from Senator Lyman Hoffman
- Letter from Governor Knowles listing the Capital Budget projects he has recommended for Bethel.

VII. MANAGER'S REPORT

City Manager Weaver referred Council to his written report on the following:

Item A: Report from Planning Manager on CBDG development.

City Manager Weaver advised Council that the Community Development Block Grant for the Honeybucket Project has finally been submitted. The grant is for \$300,000, 1/3 local match, to provide septic tanks, commodes, and water for low income houses. Mr. Weaver stated that the grant has been dormant for several years, and he has reactivated the process for obtaining the grant.

Item B: Letter from U.S. Army Corps of Engineer regarding payment due on Seawall project.

Mr. Weaver advised Council that a payment of \$300,000 is needed to keep the Bank Stabilization Project going. The payment is due by April 15, 1996. Council Member Miller pointed out that the letter from the US-ACE asks the City to have a firm alternative if state funds are not available. Mr. Weaver responded that it might be possible to get a loan from the Contractor, in light of the contractor's desire to accelerate the contract. Another option is to use the ending funds balance, but that could send a message to the State that the City doesn't need the money.

Item C: Memo from Senior Center - Adult Day Care Coordinator

Mr. Weaver discussed the understaffing on the Nutritional/Transportation side of the Senior Center. The City has advertised for replacement positions.

- Department Head Reports - City Manager Weaver and Council briefly discussed the Public Safety Department report submitted by Chief Liu. Mayor Richardson asked Council for their opinion on the formation of a Public Safety Department. Council Member Harding remarked that it is an option they should investigate after reviewing and discussing the Police Department Audit.
- Council Member Harding requested that the Finance Committee report to Council at the March 12, 1996 meeting. Council agreed.
- Council Member Miller asked Mr. Weaver who the Acting Public Works Director is. City Manager Weaver stated that he is the Acting Director.

VIII. REPORTS OF STANDING COMMITTEES and COMMISSIONS

Mayor Richardson made the following Commission appointments:

Port Commission: Brandon Leary
Transportation Commission: Robert Himschoot

motion M/M by Miller, 2nd by Harding, to ratify the Mayor's appointments.

vote Voice vote. Motion carried unanimously.

Transportation: Mayor Richardson also discussed the legal opinion from the City Attorney, regarding a conflict of interest with cab drivers serving on the Transportation Commission. The opinion states that the City can decide how many cab drivers/chauffeurs are allowed to serve on the Commission. Ms. Richardson stated that she thinks two members would be adequate.

Finance Committee: Council Member Wallace reported on the joint meeting held with the Public Works Committee. They are developing a priority equipment list, based on what the City can afford.

Planning: Tom Warner reported that the Planning Commission supports Old Business Items A & E.

Port Commission: Council Member Rodgers reported that the commission, at their last meeting, decided to retain all the officers for another year.

Public Safety: No report was given.

Public Works Committee: Council Member Miller reported on the joint meeting held with the Finance Committee. He said it was helpful meeting with Finance and gaining an understanding of the City budget process. The sub-committee on Effectiveness & Efficiency will have a report for the next Council meeting. In the future, Mr. Miller stated, he will propose a speed limit on water & sewer trucks, due to the problems they cause with the roads in the City.

Senior Citizens: Council Member Pavil reported that the Seniors have developed an agenda for the annual Elders Conference. She is still trying to contact AARP to organize a local chapter.

Youth Services Committee: Council Member Harding reported that a work session was held on the 15th, for the purpose of discussing available grants for the Youth Center. The next regular meeting is scheduled for March 7, 1996, at 5:30 p.m., at the Log Cabin. Chief Liu remarked that the committee has reduced the size of the committee from 7 to 5, in hopes of getting a quorum of members more often. He also reported that the Committee has decided to charge a \$2.00 admission fee to the Youth Center.

IX. OLD BUSINESS

Item A: Public Hearing on Ordinance #96-7: An Ordinance authorizing an increased expenditure for a drainage easement on Napakiak Drive.

Mayor Richardson opened the Public Hearing on Ordinance #96-7. There being no comments, Ms. Richardson closed the Public Hearing.

motion M/M by Miller, 2nd by Pavil to adopt Ordinance #96-7.

Council Member Miller remarked that the drainage problem on Napakiak Drive has been on-going for years. He feels that the change in city management has expedited the resolution. Council Member Rodgers stated that he believes the cost of the easement is excessive, perhaps even more than the entire property is worth.

vote Roll Call vote. Motion carried, 5-Yes, 1-No (Rodgers)

Item B: Public Hearing on Ordinance #96-8: An Ordinance to Establish New City Job Classifications.

Mayor Richardson opened the Public Hearing on Ordinance #96-8. Tom Warner, Bethel, commented on the jobs being added and deleted to the job classification index. Mr. Warner wondered where the money is coming from for the new positions. Dave Trantham, Bethel, requested that a copy of the City Manager's rationale of the changes be made public. Dean Pulchalski asked for a clarification on the difference between a "Public Works Director" and a "Public Works Manager." City Manager Weaver addressed all three citizen's questions.

There being no further comments, Ms. Richardson closed the Public Hearing.

main motion M/M by Pavil, 2nd by Harding to adopt Ordinance #96-8.

motion to amend M/M by Miller, 2nd by _____ to amend Ordinance #96-8 by removing Public Works Manager (Range 12) from Section 1, and removing Public Works Director (Range 12) from Section 2.

fail Motion failed for lack of a second.

motion to amend M/M by Pavil, 2nd by Miller to amend Ordinance #96-8 by removing Public Works Manager (Range 12) from Section 1, and removing Public Works Director (Range 12) from Section 2.

vote on amendment Roll Call Vote: Motion passed, 4-Yes, 2-No (Harding, Wallace)

vote on main motion Roll Call Vote: Motion failed, 3-Yes, 3-No (Harding, Miller, Wallace)

Item C: Public Hearing on Ordinance #96-9: An Ordinance to Amend the 1995-1996 Fiscal Year Budget.

Mayor Richardson opened the Public Hearing on Ordinance #96-9. Tom Warner, Bethel, stated that it is his understanding that the money to fund the new positions at Public Works will come from the fund balance. He disagreed with this strategy, because the city may have to use the fund balance for the seawall project. There being no further comments, Ms. Richardson closed the Public Hearing.

Mayor Richardson stated that because Ordinance #96-9 was written to fund positions established in Ordinance #96-8, and Ordinance #96-8 failed, she would like to have Ordinance #96-9 reviewed, re-written, and given to the Finance Committee for reconsideration.

motion M/M by Miller, 2nd by Wallace to refer Ordinance #96-9 to the Finance Committee, after a review by City Administration and Finance.

vote Voice vote. Motion carried, Unanimous.

Item D: Public Hearing on Ordinance #96-10: An Ordinance to Amend the City of Bethel Personnel Rules.

Mayor Richardson opened the Public Hearing on Ordinance #96-10. Tom Warner, Dave Trantham, and Dean Pulchalski voiced their opposition to portions of the Ordinance. Chris Liu, Bethel Police Chief, also commented on the Ordinance, in support of the City Manager's reasons for introducing the Ordinance.

City Manager Weaver commented that bulk of the Ordinance is housekeeping work on the personnel rules, required by the City's employment liability carrier. The section on Application of Rules to At Will Employees is intended to clarify how the City will apply its' personnel rules to At Will employees.

motion M/M by Pavil, 2nd by Miller, to table Ordinance #96-10, and obtain an opinion from the legal counsel for the City's bargaining unit on the content of the Ordinance.

vote Voice vote. Motion carried, Unanimous.

X. NEW BUSINESS

Item A: Introduction of Ordinance #96-11: An Ordinance to authorize the lease of City Property (across from Swanson's) to Omni Enterprises.

motion M/M by Miller, 2nd by Pavil to Introduce Ordinance #96-11.

vote Voice vote. Motion carried unanimously.

Item B: Introduction of Ordinance #96-12: An Ordinance to Repeal Sub-section G of Section 5.20.060, titled "Revocation of License or Permit."

Item B was referred to the Transportation Committee during the Approval of Agenda section.

Item C: Introduction--Ordinance #96-13: An Ordinance to Amend Section 2.04.060, titled "Presiding Officer."

motion M/M by Pavil, 2nd by Wallace to introduce Ordinance #96-13

Mayor Richardson noted that there are a few gender reference discrepancies that she would like corrected. Council Member Miller voiced his opposition to the Ordinance. Council Member Harding would like to amend the Ordinance so that when a new Council elects a Mayor, they also elect an Acting Mayor, who will serve as Acting Mayor in the Mayor's absence.

vote Voice vote. Motion carried, 5-Yes, 1-No (Miller)

Item D: Introduction--Ordinance #96-14: An Ordinance Amending Title 2 to define the relationship of Department Heads to the City Manager.

main motion M/M by Pavil, 2nd by Rodgers to introduce Ordinance #96-14.

Council Member Pavil stated that she is not in favor of the City Clerk being appointed by the City Manager. She agrees with the Finance Director being appointed by the City Manager, but believes that the Finance Director should attend Council meetings. Ms. Pavil stated that she believes the Police Chief should be appointed by the City Council.

motion to amend M/M by Miller, 2nd by Harding to amend Ordinance #96-14 by removing Section 3, Amendment of Section 2.12.010(A).

vote on amendment Voice vote. Motion carried, Unanimous.

motion to amend M/M by Miller, 2nd by Wallace to amend Ordinance #96-14 to reflect that all Department Heads serve at the pleasure of the City Manager, but still enjoy all rights and privileges as other employees under the City's personnel rules and procedures.

vote on amendment Voice vote. Motion carried, Unanimous.

vote on main motion Voice Vote. Motion carried unanimously.

Item E: Introduction of Ordinance #96-15: An Ordinance to grant an easement to Bethel Utilities Corporation across Brown's Slough.

motion M/M by Miller, 2nd by Wallace to introduce Ordinance #96-15.

vote Voice vote. Motion carried unanimously.

Item F: Resolution #96-9: A Resolution supporting the Alaska Children's Trust.

motion M/M by Pavil, 2nd by Miller, to adopt Resolution #96-9.

vote Voice vote. Motion carried unanimously.

Item G: **Resolution #96-10: A Resolution supporting the Department of Community and Regional Affairs.**

motion M/M by Wallace, 2nd by Rodgers to adopt Resolution #96-10.

vote Voice vote. Motion carried unanimously.

Mayor Richardson asked Council for their opinion on the reading of Resolutions. Council Member Miller suggested that this has traditionally been done for the benefit of the listening audience. Mayor Richardson then read both Resolutions #96-9 and #96-10.

XI. COUNCIL MEMBER COMMENTS

Harding In light of recent and past incidents involving hazardous materials, Mr. Harding believes the City Administration should look into developing a position of Safety Compliance Officer. This person would keep accurate records of all hazardous materials used by the City, including records of storage, use, handling, and disposal. This should be a full-time position.

McComas Absent

Miller A new group in Bethel, the Long-Term Strategic Planning Task Force, has been formed. The group consists of private citizens who will hold public meetings, gather information, and make recommendations for long-term planning to the City Council. A Potluck dinner will be held from 6:00-7:00 p.m. at the Log Cabin on March 27th, with a meeting to follow. Everyone is invited. Terry Mead and Hal Jones from the Finance Committee, and City Manager Weaver will attend.

Mr. Miller asked the City Manager to inform Council, at the next meeting, of the current status of negotiations with the City's bargaining unit.

Pavil Ms. Pavil questioned City Manager Weaver about the ice road maintenance contract. She has received phone calls lately and wasn't sure if the contract had actually been awarded. City Manager Weaver advised that the contract was in fact awarded to O'Brien-Kaikurvak.

Richardson Ms. Richardson stated that she believes City Manager Weaver handled the recent hazardous materials incident very well.

Rodgers Mr. Rodgers discussed the hazardous materials issue. He believes that the position described by Mr. Harding should have compliance training.

Wallace No Comments

XII. EXECUTIVE SESSION

motion M/M by Pavil, 2nd by Rodgers to adjourn the regular meeting and enter Executive Session for the purpose of discussing the following:

Public Works Department Legal Liability
Police Department Audit Recommendations
Crow vs. City of Bethel

vote Voice vote. Motion carried unanimously.

motion M/M by Miller, 2nd by Rodgers to come out of executive session at 9:30 p.m.

vote Voice vote. Motion carried unanimously.

motion M/M by Miller, 2nd by Pavil to accept the recommendations of the Police Audit.

vote Voice vote. Motion carried unanimously.

motion M/M by Miller, 2nd by Wallace to follow the recommendations of the City Attorney as discussed for the Crow vs. City of Bethel litigation.

vote Voice vote. Motion carried unanimously.

XIII. ADJOURNMENT

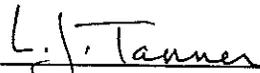
motion M/M by Miller, 2nd by Harding to adjourn the meeting at 9:40 p.m.

vote Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 12th DAY OF MARCH, 1996.


Ruth M. Richardson, Mayor

ATTEST:


L.J. Tanner, City Clerk