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# City of Bethel, Alaska

## City Council Minutes

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February 27, 2001

Regular Meeting

Bethel, Alaska

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### CALL TO ORDER

A regular meeting of the Bethel City Council was held on February 27, 2001, at 6:30 p.m. in the council chambers, Bethel, Alaska.

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

### ROLL CALL

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

Mayor Rodgers  
Jerry Drake  
Carl Berger  
Agnes Phillips  
Dario Notti  
Mike O'Brien—*via teleconference*

Also in attendance were the following:

Bob Herron, City Manager  
Colleen Soberay, City Clerk

### PEOPLE TO BE HEARD

There was no one to be heard.

### APPROVAL OF MINUTES

<b>MOVED BY:</b>	Drake	To approve the minutes of the Feb. 13 regular meeting; with changes noted below
<b>SECONDED BY:</b>	Phillips	

*Changes:* Feb. 13 minutes— Berger corrected typo, page 6; Phillips corrected the note in regard to being out of town, page 9.

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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### APPROVAL OF AGENDA

<b>MOVED BY:</b>	Drake	To approve the consent agenda with addition executive session re: delinquent Port account and city clerk evaluation; and addition of unfinished item G to the consent agenda
<b>SECONDED BY:</b>	Notti	

*Consent agenda items:* Res. #01-03—Supporting City of St. Mary's ability to operate State funded projects under force accounts. Res. #01-06 Support of Dredging Johnson River Crossing

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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## MAYOR'S REPORT

The Mayor's Report included the following:

- Governor's Talking Points for the week of February 12, 2001
- Letter from AK Dept. of Military and Veterans Affairs — *Re:* Emergency Management Conference April 17 through 20, 2001
- Letter from AK Dept. of Natural Resources — *Re:* Land and Water Conservation Fund—program funds outdoor recreation facilities
- Letter from City of St. Mary's — *Re:* Force-account DOT projects
- Letter from AML Joint Insurance Association — *Re:* Response to City of Bethel's Notice of Intent to Withdraw from the AML/JIA
- E-mail from Allen DeSousa — *Re:* Required tax in rural areas
- Request for support from Alaska Gasline Port Authority
- Letter from Office of the Governor — *Re:* Request for assistance in identifying candidates to serve on the Alaska Coastal Policy Council

Manager Herron commented on item B of the Mayor's report in that he was insulted, LKSD was insulted and the City should be insulted. He said Bethel should be part of this conference. He asked Council for permission to call Mr. Leberbox and to voice his displeasure as Bob Herron. Council approved.

Council discussed who would attend. Council member Phillips suggested that Council member Notti attend. Council member Berger said he would also like to attend.

Council member Drake recommended, because this conference has more to do with public safety, Council member O'Brien should attend because he is on the PSTC. Council member Drake also said Council member Notti would make a good candidate for the Alaska Coastal Policy Council.

Mayor Rodgers said the PSTC representative should attend and, with no objection, asked Mr. O'Brien to attend as Council representative for the Emergency Management Conference. Council member O'Brien said he would make himself available for the conference.

Manager Herron said the State would also pay for one emergency management representative, as such he recommended that George Young, Fire Chief, attend. Manager Herron also asked for council's input on a member of the community who should be selected to attend. Discussion briefly ensued. Because the deadline to submit attendee names, Council agreed Manager Herron should select a member from the community to attend.

Council member Drake requested a resolution in regard to Alaska Gasline Port Authority's request for support, item G of the Mayor's report, be placed on the March 13 agenda for discussion and possible action.

Council member Drake also recommended that Council nominate Council member Notti to serve on the Alaska Coastal Policy Council, item H of the Mayor's report, as the Governor has requested nominations. Council agreed Council member Notti should be nominated and asked the city clerk to write a nomination resolution to be placed on the March 13 agenda along with Mr. Notti's resume.

Council member O'Brien commented on the AML/JIA letter in that whether the City decides to stay with the AML/JIA Insurance program or not, it's important to take advantage of all of the programs they have to offer. He also commented on Allen DeSousa's letter in regard to tax in rural areas and mandatory boroughs. He said it's important that the City keep in close touch with our lobbyist in an

effort to be prepared if more develops on this issue. Council member O'Brien said the Gasline Port Authority gave a presentation in Juneau recently and he briefly explained the request for support from the Gasline Port Authority. He recommended Council unanimously support the Gasline Port Authority for the benefit of everyone.

Mayor Rodgers directed the City Manager to follow-up on the enforcement of Ordinance #98-03, heavy vehicle use tax.

### **MANAGEMENT TEAM'S REPORT**

City Manager Herron, noted the management reports included in council packets and reviewed the following items with council:

- Notice of Intent to Withdraw from the AML/JIA Insurance program, in order to utilize the opportunity to evaluate all insurance opportunities for the next fiscal year.
- Force Accounts—YKHC's position on force accounts
- Emergency Management Program Grant—City of Bethel has been awarded an EMP grant in the amount of \$7,500
- Proposed House Joint Resolution 18—Proposing amendments to the Constitutions of the State of Alaska relating to certain municipal annexations.
- Spring Break—asked to be excused from March 13 meeting because of vacation plans. Council excused Manager Herron from March 13 meeting. The acting manager will attend the March 13 meeting.

The City Clerk reviewed the following items with council:

- Inquiry about possible contract with Alaska Airlines—Alaska Airlines cannot enter into a contract with the City at this time. AK Airlines account executive, Stacia Moomuug, said they are not ready to enter into contracts with municipalities and if they were to enter into a contract with Bethel, they would then be asked to enter into contracts by other municipalities. Ms. Moomuugh said AK Airlines only has contracts with businesses in the private sector right now, with the exception of school districts such as LKSD, because they are committed to supporting education. Ms. Moomuugh also provided information on an online booking program, Easy Biz, which has several benefits. This information has been forwarded to the City purchasing agent.
- Cemetery ad hoc committee—The Committee has met twice, with little public input. The committee is making progress and will ask Council to pass a resolution identifying the correct name of each cemetery and providing signs for each cemetery. The committee will seek direction from Council at the next two or three council meetings.

### **REPORTS OF STANDING COMMITTEES**

#### **Senior Advisory Board**

Council member Berger said the SAB has not met since the last council meeting and doesn't have the next meeting scheduled at this time.

#### **Planning Commission**

Council member Notti said the commission met February 8 and the next regular meeting is March 8 at 7:30.

#### **Port Commission**

Mayor Rodgers said the commission met February 26. He said the commission discussed the Preferential Use Agreement, which they postponed to further discuss at the next Port meeting. He

also reported the commission researched the possibility of recycling cement from the old BIA site and plan to make a recommendation to Council; the commission elected Mr. Richardson as Chair and Mr. DeSousa as Vice Chair; and the commission supports Resolution 01-06 on the Council agenda.

#### **Public Works Committee**

Council member Drake said the committee met February 17, but he was unable to attend as he was assisting the City Manager and Police Chief with Police Lieutenant interviews. He reported the committee wrote a letter in support of metered hauled and piped water, which will be read during the public hearing on water and sewer rate increases. He said the committee is researching baling cardboard and reviewed where the committee is at in the process.

#### **Public Safety and Transportation Commission**

Council member O'Brien said the commission's last regular meeting was held February 5 and referred to the PSTC minutes in council's packet. He also reviewed the status of the Ord. #01-05 and that there has been a lot of public involvement. The City Clerk said the next regularly scheduled meeting is March 5. Council member Berger said the PSTC also met February 26 and meets again February 28 for special meetings. Council member O'Brien explained the special meetings are to work on proposed Ord. #01-05.

#### **Finance Committee**

Council member Phillips said the next meeting is scheduled for March 8.

#### **Parks and Recreation Committee**

Council member Pobrislo was not present.

### **UNFINISHED BUSINESS**

#### **Item A — Public Hearing on Ordinance #01-08: Increase in water and sewer rates**

*Mayor Rodgers opened the public hearing and noted this is the second of at least four public hearings on Ord. #01-08.*

Mayor Rodgers read a public hearing letter from the Public Works Committee in support of metered hauled and piped water.

Manager Herron explained that at the last public hearing a comment was made that an independent rate study should be conducted. Manager Herron reviewed the rate studies previously conducted—Altman & Rogers, cost just over \$1,100 as in-house study; Early 1998 the City sent out RFPs to hire a firm to conduct a rate study—the lowest bid was Economic and Engineering Services (EES) at \$55,000. Manger Herron said after 4 months EES had barely done any work and so the City terminated the contract, but negotiated a mini-study out of EES which cost the City \$10,000 for the opinion that the utility fund could not float a bond or qualify for a loan to compliment the master plan because the City didn't have the revenue. He further explained that in June of 1999 the City asked Altman & Rogers to conduct another study, which cost the City \$3,500. Altman & Roger's recommended the hauled rate be increased by at least 21 percent and piped rate be increased by at least a 12 percent.

Manager Herron said he called three companies in regard to a rate study and was given broad estimates to conduct a rate study—minimum \$25,000; max around \$100,000. He said if Council wants another rate study conducted, the City would need to put it out to bid.

Council member Berger said it seems the information already collected is what Council is following as it proposes this higher rate. He said he doesn't see a benefit to spending \$25,000 or more for a study that will probably tell Council what's already been learned.

Mayor Rodgers raised the issue of metering water and said he supports metered water. Manager Herron said there are three firms who are currently bidding to conduct the lagoon and landfill feasibility study and, if so directed by Council, he would ask each firm to include in their bid proposals a mini-study of what it would cost to meter piped and hauled water.

Council member O'Brien said he has been a proponent of metered water for 15 years. He explained the methodology behind metered water and that the City should look into the installation metering piped water for now. He also said he understands people are concerned about a rate increase, but thinks people would also understand the City is at a point where it has no choice. Council member O'Brien agreed the City shouldn't spend more money to get information already provided.

Council member Drake said he understands the need for a rate study and perhaps zoning, too, so billing would be fair, but also said the City is dealing with about a \$600,000 loss each year. He said the public is paying that increase right now by a direct lack of other services the City could provide. He said the City needs to at least break even.

Council member Notti recommended researching other cities and the problems they are having. He also gave an example of electricity problems in California. Discussion briefly ensued.

#### **Item B — Public Hearing on Ordinance 01-06: Adopting fees and charges for the City**

*Mayor Rodgers opened the public hearing.*

There was no one from the public to be heard.

Council member Berger asked which of the fees have been changed from what they are currently. The Finance Director explained the ordinance in that the point of this ordinance is to combine the City's fees and charges because there is not one collective list of fees and charges. He said it's not that these rates have been changed, it's that we are trying to combine all of the fees and charges into one document for consistency. He said the intent is to get everything in one place to be reviewed through the budget process and that the fees and charges schedule would be included in the annual budget.

The Finance Director also explained Ord. #01-09 and said it needs to pass to establish the authority for the City to charge fees. He said currently the City is acting on the premise that charges were established by Council, but the City needs this authority in the Code.

Council member Notti said the police department rates should be included in the fees and charges schedule. Council member Notti expressed his concern that charges aren't consistent between all of the departments, such as basic copying fees.

The City Clerk pointed out that this ordinance doesn't have the language necessary to make the review of fees and charges part of the budget process and recommended bringing it back to Council with additional language in regard to the budget process and to include more department fees and charges.

<b>MOVED BY:</b>	Drake	To delay Ord. #01-06 and 01-09 until necessary language is added and all applicable rates have been included.
<b>SECONDED BY:</b>	Notti	

Manager Herron clarified that this ordinance is to put fees in place and because of the structure Council discussed, Council may increase or decrease these rates during the budget process depending on how Council builds the budget.

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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**Item C — Public Hearing on Ordinance #01-09: Amending certain sections of the BMC providing for authority to impose certain fees**

*Ordinance #01-09 postponed to next Council meeting. See previous motion.*

**Item D — Public Hearing on Ordinance #01-10: Exempting the City's acquisition of a truck from the provisions of Chapter 4.20 of the BMC**

*Mayor Rodgers opened the public hearing.*

There was no one to speak to this ordinance.

<b>MOVED BY:</b>	O'Brien	To pass Ordinance #01-10: Exempting the City's acquisition of a truck from the provisions of Chapter 4.20 of the BMC
<b>SECONDED BY:</b>	Phillips	

<b>VOTE ON MOTION</b>	Motion carried 6 to 0.
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**Item E — Public Hearing on Ordinance #01-11: Amending certain provisions of Chapter 4.16 of the BMC, sales and use tax**

The Finance Director reviewed the language still being discussed in regard to this ordinance. Manager Herron said there is an intellectual level of discussion taking place between administration and legal. He recommended this ordinance be brought back to Council once the language has been finalized.

<b>MOVED BY:</b>	Drake	To postpone action on Ordinance #01-11 until the City Finance Director and City Attorney have finalized the language in this ordinance.
<b>SECONDED BY:</b>	Phillips	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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**Item F — Discussion Item: Bering Sea Summit**

Manager Herron up-dated Council on the Bering Sea Summit. He said the Summit is scheduled to take place April 2002. Manager Herron recommended that during the budget process Council consider getting involved by, perhaps, making an appropriations that would allow Bethel to participate. Discussion ensued and Council agreed suggestions for appropriation should be made during the budget cycle. Council directed administration to bring this forward during the FY02 budget process. Council member Berger said he would get more information about who will be involved in the Summit. Council agreed it's important to look at this long-term and include it in the budget cycle.

**Item G — Resolution #01-03: Support of the City of St. Mary's ability to operate State funded projects under force accounts**

Resolution #01-03 passed under consent agenda.

**NEW BUSINESS**

**Item A — Introduction of Ordinance #01-12: Increase in taxi cab rates**

<b>MOVED BY:</b>	Phillips	To introduce Ord. #01-12 and set the public hearing for March 13, 2001 at the regular Council meeting
<b>SECONDED BY:</b>	Berger	

Council member Drake said he wanted several changes made to this ordinance such as the word "maximum" shouldn't be struck out. He said since this is an interim ordinance he wants this ordinance to have a sunset clause in it that it would expire when the new taxi-cab ordinance passes.

Manager Herron explained this ordinance and the intent behind it. Council also discussed the rates to locations between locations written in the ordinance and the term "maximum" in regard to competition within the industry. Council member O'Brien said this is an interim measure that will give some relief to the industry. Manager Herron said, in defense of the industry, it is interim and the reason they took out "maximum" is an issue of self-regulation, but the issue is that minimum and maximum should be the same because why should the industry go through all of this to have only half the industry ignore the maximum rates.

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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**Item B — Request for approval to award wheel loader bid to NC Machinery**

<b>MOVED BY:</b>	Drake	To approve administration's request to award wheel loader bid to NC Machinery
<b>SECONDED BY:</b>	Notti	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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**Item C — Resolution #01-06: Support Dredging of Johnson River Crossing**

Resolution #01-06 passed under consent agenda.

**COUNCIL MEMBER COMMENTS**

**Council Member Berger** reminded Council about his request to hear a report from Council member O'Brien on the AML Board meeting that took place in February. Council member O'Brien said he would give a report to Council for the March 13 meeting. Council member Drake said he appreciated Council member Berger's comments on reporting about AML meetings and conferences. Council member Drake gave a brief report on the Public Works AML Legislative Committee meeting he recently participated in, where the main discussion was in regard to Force Accounts.

**Council Member Pobrislo** was not present.

**Council Member Notti** commented on Resolution 01-06. He said he thought Oscarville and Johnson's were two separate crossings, but as Res. 01-06 is written it seems like they are both the same. Manager Herron clarified the language based on the Corp of Engineer's presentation and that

they are two crossings. He said the language the City Clerk used came from the executive summary and that once the Corp of Engineer's provides a final report, administration can bring another resolution to Council. Council member Notti also reported on his recent trip to Anchorage for Planning Commission training. He said it was an excellent training and wished all of the commission members could have attended. He said himself and Joan Hamilton will share what they learned to the rest of the commission.

**Council Member O'Brien**—*no comment.*

**Council Member Drake**—*no comment.*

**Mayor Rodgers** commented on his recent trip and thanked the Council for excusing his absence from the January meeting, allowing him to be with his wife for their anniversary.

**Council Member Phillips** thanked the taxi drivers for all of their hard work.

### EXECUTIVE SESSION

<b>MOVED BY:</b>	Phillips	Moved to go into executive session to discuss delinquent Port account and City Clerk performance evaluation
<b>SECONDED BY:</b>	Drake	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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Council came out of executive session.

### ADJOURNMENT

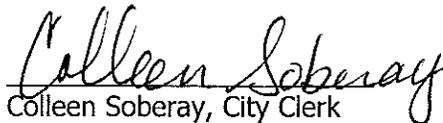
<b>MOVED BY:</b>	Drake	To adjourn the meeting.
<b>SECONDED BY:</b>	Phillips	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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With no further business before the Council, the meeting adjourned at 10:40 p.m.

**APPROVED THIS 13<sup>th</sup> DAY OF MARCH 2001.**

ATTEST:

  
Colleen Soberay, City Clerk

  
Stanley "Turkey" Rodgers, Mayor