

---

# City of Bethel, Alaska

## City Council Minutes

---

August 31, 2004

Regular Meeting

Bethel, Alaska

---

### CALL TO ORDER

A regular meeting of the Bethel City Council was held on August 31, 2004, at 6:30 p.m. in the Council Chambers, Bethel, Alaska.

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

### ROLL CALL

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

Hugh Dymont	Dave Trantham
Hugh Short, Jr.	Stanley "Tundy" Rodgers
Michael O'Brien	R. Thor Williams

Excused absence(s):  
Andrei Jacobs

Also in attendance was the following:  
Robert Herron, City Manager  
Selena Malone, City Clerk

### PEOPLE TO BE HEARD

1. Susan Taylor addressed Council to point out the need for "sober, affordable housing" in Bethel; explained the "Oxford House" concept.
2. Vicky Malone spoke concerning Ordinance 04-09, specifically in regards to eliminating the Public Works Operations Manager Position. Mrs. Malone stated that eliminating the position will cause issues within the department and future planning. Suggested to Council to allow the City's management team to decide where to cut budget costs.
3. Brad Kehoe spoke on behalf of the recommendation from the City Manager regarding the transfer of the Bethel Group Home to the City of Bethel.
4. Tony Nokazoa reminded Council and the public that the Cooperative Extension Service (CES) has been in the Bethel area since the 1960's. Upcoming is the ten year reunion between The City of Bethel and CES. Thanked the City of Bethel for their support.
5. Willie Keppel referred to a request by Council Member Trantham, a request for all attorney/legal expenditures. Mr. Keppel requested a copy of the packet provided to Council Member Trantham.

6. Open Public Comment

- a) Public comment on the Consent Decree between the State of Alaska (Plaintiff) and Crowley Marine Services, Inc.; Crowley Maritime Corporation; Northland Fuel, LLC; Yukon Fuel Company; Northland Vessel Leasing Company, LLC; and Yutana Barge Lines, LLC (Defendants)
  - 1) Bill Verden addressed Council to state that they requested that the Attorney General of the State of Alaska come in and take a look at the entire process to ensure that they abided by the laws of the State of Alaska. After an 8 month investigation by the Attorney General a consent decree was entered in with the State of Alaska.
  - 2) Mr. Bardow addressed Council to state that the regulatory oversight process has been through a credible level of review and would like to move on and get the process completed as soon as possible to begin integrating the Yukon organization and other business into the Crowley fold to produce value to the community.
  - 3) Mr. Brian Bogen addressed Council to state he is confident that they negotiated the best deal possible out of Crowley and believes that this will bring a level of competition to the City of Bethel and to Western Alaska.

City Manager Herron read a fax from John Andrew Leman of Kempel, Heffman, & Ellis, that was forwarded to the City of Bethel and all council Members (a copy can be obtained at the City Clerk's office).

- 4) Louann Cutler from Preston Gates & Ellis addressed Council to state Council deserves credit for at least getting the Attorney General to get us this far, assuming the court approves the consent decree. Mrs. Cutler also thanked the Attorney General for conducting the investigation. Mrs. Cutler advised Council that a hearing will be held on October 15<sup>th</sup> in front of the court in Nome deciding whether or not to approve the consent of decree.
- 5) Yolonda Jorgensen addressed Council to state that she does business with different corporations on a hand shake and people's word. Mrs. Jorgensen stated that she knows the cost of living as a homemaker and a business woman and the price of fuel and the cost of living has gone up atrociously in Bethel.
- 6) Agnes Phillips addressed Council to state that in the early 1800's there was one house and many tents and she wouldn't mind going back to those days. Mrs. Phillips stated that fuel is a precious commodity and thank the companies for providing the precious commodity.

***Council concurred to recess from 8:18 until 8:30p***

**APPROVAL OF AGENDA**

<b>MOVED BY:</b>	Dyment	To approve agenda for August 31, 2004 Regular Meeting.
<b>SECONDED BY:</b>	Trantham	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote 6-0.
-----------------------	---

## MAYOR'S REPORT

- Resolution from the Napakiak Village opposing the liquor store referendum
- Letter from Northern Lights Alaska Chapter of the American Payroll Association seeking support for National Payroll Week in Bethel, Alaska.
- Letter from AML regarding applications for the Awards of Excellence
- Update from Lyman Hoffman, Senator for our Region regarding the bulk fuel initiative
- Sample resolution for the PILT Program
- Condolences to the Balis family, Allen Balis passed away

## MANAGER'S REPORT

- Update on the Yukon Kuskokwim Road Project

<b>MOVED BY:</b>	Williams	To suspend the rules to allow public testimony.
<b>SECONDED BY:</b>	Rodgers	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote 6-0.
-----------------------	---

Frank Charles, member of the Chalista Cooperation, addressed Council to state that the Department of Transportation met at Crooked Creek to discuss the road project.

- Two memorandums concerning the Chief of Police finalists interviews
- Memorandum from the Planning Director concerning use of road right of ways
- AML Joint Insurance Agency has vacancies
- The 35% Water and Sewer Plan was submitted to Council
- Recommendation from Administration to assist the Bethel Group Home in finding a tenant for the facilities on our property

## REPORT'S OF STANDING COMMITTEES

### Planning Committee (Council Member Rodgers):

- National Flood Insurance Program
- Negotiations between ASAG & COB
- Report on site plan permits-109
- Abandoned vehicles in the right of ways
- Plat applications from YKHC
- Mr. Guinn stepped down as chair

### Senior Advisory Board (Council Member Trantham):

- Advised Council that the Board's next meeting is September 14<sup>th</sup> at 10a at the Senior Center
- 1 vacancy on the Board at this time
- The Board allows two seats for community members under the age of 60 yrs of age

### Port Commission (Vice-Mayor Williams):

- Met on 8/16/04
- Log raft issue
- East Ave addition to the Port
- Small Boat Harbor parking
- Port Office RFP

Alaska Municipal League:

- Summer Legislative Mayor's Conference
- Concerns regarding AML's legislative priorities
- Revenue Sharing
- Draft policy statements

Finance Committee (Mayor Short):

- Committee did not have a quorum at their last meeting
- Next mgt is scheduled on 9/22

Public Works Committee (Council Member O'Brien):

- Met on 8/17
- Utility rates
- Water meters
- Change the committee status to a commission
- Budget amendment
- Lease agreement on road grader

<b>MOVED BY:</b>	Trantham	To direct the attorney to draft an ordinance to change the Public Works Committee to a Commission.
<b>SECONDED BY:</b>	Rodgers	

<b>VOTE ON MOTION</b>	Motion carried by voice vote of 4-2 (No: Williams & Dymnt)
-----------------------	--

Public Safety & Transportation:

- Has not met since the last council meeting
- Meeting has been rescheduled on 9/7/04

<b>MOVED BY:</b>	Rodgers	To suspend the rules to proceed past 10p.
<b>SECONDED BY:</b>	Williams	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
-----------------------	---

***Council concurred to take a brief recess***

**UNFINISHED BUSINESS**

**Item A - Public Hearing of Ordinance #04-06: An Ordinance repealing Ordinance #04-03 regarding amendments to sections 13.12.010, 13.12.160, 13.12.280, and 13.16.010 of the Bethel Municipal code concerning solid waste collection and disposal**

**Public Hearing:**

*None*

<b>MOVED BY:</b>	Williams	To delay ordinance 04-06 to the September 28 <sup>th</sup> meeting awaiting the Public Works Committee to give their recommendation for the approval for this ordinance.
<b>SECONDED BY:</b>	Dymnt	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote 6-0.
-----------------------	---

**Item B - Public Hearing of Ordinance #04-09(A): An Ordinance of the Bethel City Council Amending the Adopted Annual FY 2004-2005 Budget**

**Public Hearing:**

*None*

<b>MOVED BY:</b>	Williams	To delay ordinance 04-09 (A) to the September 28 <sup>th</sup> meeting to allow the changes from the 8/10/05 mgt to be inserted into the budget.
<b>SECONDED BY:</b>	O'Brien	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote 6-0.
-----------------------	---

**Item C - Public Hearing of Ordinance #04-15: An Ordinance amending the Bethel Municipal Code to create a permit system to allow logs and log rafts to be brought into and offloaded in the small boat harbor (*referred to the Port Commission, expected return is in September for public hearing*)**

**Public Hearing:**

*None*

<b>MOVED BY:</b>	Williams	To delay ordinance 04-15 to the September 28 <sup>th</sup> meeting to allow the Port Commission to review the ordinance and report back to Council with a recommendation.
<b>SECONDED BY:</b>	Rodgers	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote 6-0.
-----------------------	---

**Item D - Public Hearing of Ordinance #04-22: An Ordinance amending the adopted annual FY 2004-05 Budget and authorizing City Administration to enter into a lease purchase agreement for a replacement road grader**

**Public Hearing:**

*None*

<b>MOVED BY:</b>	O'Brien	To adopt Ordinance #04-22.
<b>SECONDED BY:</b>	Rodgers	

<b>VOTE ON MOTION</b>	Motion failed by a roll call vote of 3-3 (Yes: Rodgers, O'Brien, & Short)
-----------------------	---

**Item E - Public Hearing of Ordinance #04-23: An Ordinance to place on the October 5, 2004 municipal election ballot the question of whether to approve a City owned liquor store that is operated by the City through a contractor, as well as an advisory vote question of whether to establish an alcohol beverage delivery site**

**Public Hearing:**

- 1) Will Updegrave addressed Council to state that he is in opposition of ordinance #04-23.
- 2) Agnes Phillips addressed Council to state that she is in favor of ordinance #04-23.

- 3) Yolonda Jorgensen addressed Council to state that she believes that the decision should be brought to the people to vote on the issue.

<b>MOVED BY:</b>	O'Brien	To amend the introduction of ordinance #04-23 with the amendments provided to Council and set an additional public hearing at a Special Meeting on 9/7/04 at 12p.
<b>SECONDED BY:</b>	Williams	

<b>VOTE ON MOTION</b>	Motion carried by a roll call vote of 5-1 (No: Trantham)
-----------------------	--

**Item F - Resolution #04-36: A Resolution by the Bethel City Council to place an "information sheet" as an attachment to the municipal ballot measure question whether to approve a city owned liquor store that is operated by the city through a contractor, as well as an advisory vote question of whether to establish an alcoholic beverage delivery site**

<b>MOVED BY:</b>	Williams	To adopt resolution #04-36.
<b>SECONDED BY:</b>	Rodgers	

<b>MOVED BY:</b>	Dyment	To suspend the rules to allow public testimony.
<b>SECONDED BY:</b>	Williams	

<b>VOTE ON MOTION</b>	Motion carried by a unanimous voice vote.
-----------------------	---

Will Updegrave addressed Council to state that this is misinformation and he is opposed to resolution #04-36.

<b>MOVED BY:</b>	Williams	To suspend the rules to proceed past 11p.
<b>SECONDED BY:</b>	O'Brien	

<b>VOTE ON MOTION</b>	Motion carried by a unanimous voice vote.
-----------------------	---

<b>VOTE ON MOTION</b>	Motion carried by a roll call vote of 5-1 (No: Trantham)
-----------------------	--

*Council concurred to take a brief recess*

**Item G - Public Hearing of Ordinance #04-24: An Ordinance repealing and reenacting the effective date of Ordinance #04-10 and amending the water and sewer rate provisions in Bethel Municipal Code Sections 13.04.240 and 13.08.190**

**Public Hearing:**

*None*

<b>MOVED BY:</b>	Dyment	To adopt ordinance #04-24.
<b>SECONDED BY:</b>	Rodgers	

<b>VOTE ON MOTION</b>	Motion carried by unanimous roll call vote
-----------------------	--

Council Member Dyment stated that he would like to rescind his vote on ordinance #04-22

<b>MOVED BY:</b>	O'Brien	To adopt Ordinance #04-22.
<b>SECONDED BY:</b>	Rodgers	

<b>VOTE ON MOTION</b>	Motion passed by a roll call vote of 4-2 (No: Williams & Trantham)
-----------------------	--

**Item H - A Proclamation recognizing September 27<sup>th</sup> as Family Day in Bethel**

<b>MOVED BY:</b>	O'Brien	To adopt September 27 <sup>th</sup> as Family Day in Bethel.
<b>SECONDED BY:</b>	Rodgers	

<b>VOTE ON MOTION</b>	Motion passed by unanimous voice vote.
-----------------------	--

**NEW BUSINESS**

**Item A - Resolution #04-32: A Resolution requesting Capital Funding through the State of Alaska, Village Safe Water Program, SFY2006 Capital Construction Questionnaire**

<b>MOVED BY:</b>	O'Brien	To adopt resolution #04-32.
<b>SECONDED BY:</b>	Rodgers	

Mike Rabe from CRW addressed Council to answer questions posed by Council regarding resolution #04-32.

<b>VOTE ON MOTION</b>	Motion passed by a roll call vote of 4-2 (No: Williams & Rodgers)
-----------------------	---

**Item B – Resolution #04-33: A Resolution supporting the development of a proposal to the Denali Commission to fund a Bethel Solid Waste Management Project**

<b>MOVED BY:</b>	Rodgers	To adopt resolution #04-33.
<b>SECONDED BY:</b>	O'Brien	

Grant Manager John Sargent addressed Council to answer questions posed by Council.

<b>VOTE ON MOTION</b>	Motion passed by unanimous voice vote
-----------------------	---------------------------------------

**Item C – Resolution #04-34: A Resolution requesting FY05 Payment In Lieu of Taxes (PILT) funding from the Department of Community and Economic Development**

<b>MOVED BY:</b>	Williams	To adopt resolution #04-34.
<b>SECONDED BY:</b>	Rodgers	

<b>VOTE ON MOTION</b>	Motion passed by unanimous voice vote
-----------------------	---------------------------------------

**Item D – Resolution #04-35: A Resolution supporting the development of a proposal to the Denali Commission to fund above-ground municipal solid waste containment systems**

<b>MOVED BY:</b>	Williams	To adopt resolution #04-35
<b>SECONDED BY:</b>	Rodgers	

<b>VOTE ON MOTION</b>	Motion passed by unanimous voice vote
-----------------------	---------------------------------------

**Item E - Discussion item: Port Authority**

Vice-Mayor Williams stated that he would like Council to consider looking at their own Port Authority.

<b>MOVED BY:</b>	Williams	To direct Administration to look at a Port Authority for the community of Bethel and Crooked Creek
<b>SECONDED BY:</b>	O'Brien	

<b>VOTE ON MOTION</b>	Motion passed by unanimous voice vote
-----------------------	---------------------------------------

**Item G - Discussion item: Expanding City Limits**

Vice-Mayor Williams advised Council that there has been discussion within the community regarding the City limits expanding and wanted Council to discuss the matter.

City Manager Herron stated that he spoke with the City Planner and has been advised that because of BNC holding most of the surfaces it would be extremely difficult to expand our City limits based upon territorial lines; however it does not mean that it can't be done.

<b>MOVED BY:</b>	Williams	To direct Administration to contact the local Boundary Commission to seek information to provide to Council.
<b>SECONDED BY:</b>	O'Brien	

<b>VOTE ON MOTION</b>	Motion passed by a voice vote of 5-1 (No: Rodgers)
-----------------------	--

**COUNCIL MEMBER COMMENTS**

Council Member Dymont- stated that it may have been inefficient, but we got the job done

Council Member O'Brien-sent condolences to Lucy Balis and their family, and god bless her. Stated that it's been a spirited debating night in fairness conducted in a gentlemanly manner and with a great deal of decorum.

Vice-Mayor Williams-

<b>MOVED BY:</b>	Williams	To direct Administration to devise a tax revenue review of business that do not use their registered tape or deliver items that do not carry receipts and that we find a way to collect that revenue that we are not collecting at this time.
<b>SECONDED BY:</b>	O'Brien	

<b>VOTE ON MOTION</b>	Motion passed by unanimous voice vote
-----------------------	---------------------------------------

Vice-Mayor Williams stated that his sentiments to the Mute family and the loss of their child. Also stated that the Involved Parent Preschool has contacted him regarding the back playground in their area and the drinking in that area which is behavior that is not acceptable. BMC 2.40.070, please read it and learn it.

Council Member Trantham-stated that he had the opportunity to meet with Mr. Jim Cooper, the Mayor of Palmer and the President of AML, a message from Mr. Cooper is that he would be delighted to have his City Clerk, our former City Clerk, give training to our present City Clerk with training free of charge in September.

<b>MOVED BY:</b>	Trantham	To allow the City Clerk training and travel funds to train with the City Clerk in Palmer.
<b>SECONDED BY:</b>	O'Brien	

<b>VOTE ON MOTION</b>	Motion passed by unanimous voice vote
-----------------------	---------------------------------------

Council Member Rodgers-stated that he send his condolences to the Mute family and go hug an elder.

**ADJOURNMENT**

<b>MOVED BY:</b>	O'Brien	To adjourn the meeting.
<b>SECONDED BY:</b>	Dyment	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote
-----------------------	--

With no further business before the Council, the meeting adjourned at (time not documented).

**APPROVED THIS 10<sup>th</sup> DAY OF JANUARY 2006.**

ATTEST:

  
Sandra Modigh, City Clerk

  
R. Thor Williams, Vice-Mayor