
City of Bethel, Alaska

City Council Minutes

August 10, 2004

Regular Meeting

Bethel, Alaska

CALL TO ORDER

A regular meeting of the Bethel City Council was held on August 10, 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 Dymant	Andrei Jacobs
Michael O'Brien	Stanley "Tundy" Rodgers
Hugh Short	Dave Trantham
R. Thor Williams	

Also in attendance were the following:

Robert Herron, City Manager
Selena Malone, City Clerk

PEOPLE TO BE HEARD

1. David Scharfarz
 - Gave a presentation on a proposed public transit system for Bethel
2. John Dickens
 - Spoke on ordinance #04-09(A).04-1B (Fire Department) and stated how our Fire Department is one of the finest and that it exceeds the national standards
 - Stated that the removal of the Animal Control Officer and adding a patrol officer would not achieve what it is intended to
 - Stated that animal control officers are specialists and asked Council to reconsider dropping the Animal Control Officer's position
 - Stated that the City would cost itself more money by trying to save money if it were to eliminate the ACO position
3. Brad Kehoe
 - Stated that the Bethel Group Home has been transferred to YKHC
 - Indicated that Bethel Group Home, Inc. has decided to dissolve itself
 - Made a "no cost" offer to the City for the Bethel Group Home building
 - Expressed his hope to have the transfer completed by the winter months

Mayor Short, with Council concurrence, directed Administration to follow up with the Bethel Group Home's proposal and update the Council at the next meeting.

4. Greg Roczicka
 - Spoke on ordinance #04-15 to allow the use of the harbor to allow bringing in log rafts
 - Asked Council to refer ordinance #04-15 back to the Port Commission

A break was taken from 7:50 p.m. until 7:58 p.m.

5. Dario Notti
 - Spoke of forced accounting
 - Spoke of the wage structure for the CRW water/sewer project
6. Bill Howell
 - Spoke in opposition to the loss of merit increases
 - Stated that employees need the merit increases as a vote of confidence
 - Indicated that raises are important to employees
 - Asked that an amendment or motion be made to put the merit increases back into the budget
7. Jim Valcarce
 - Spoke on behalf of ONC to stop the water/sewer rate increases
 - Indicated that the current water/sewer ordinance is a flawed document
 - Suggested the Council do something else to generate revenue
 - Stated that an audit needs to be done on the water/sewer rates
 - Asked who voted in support of the water/sewer rate increases
8. Andy McGowan
 - Stated that the Council needed to fix the flawed document (water/sewer ordinance) in a correct way and do something good
9. Paul Garrison
 - Spoke against ordinance #04-23
 - Suggested other ways of making money such as a movie theatre
 - Spoke of his past struggles with alcohol
 - Spoke of the social impacts a liquor store would have on Bethel
10. Margaret Chase
 - Stated her opposition to a liquor store in Bethel
 - Spoke of the social impacts a liquor store would have on Bethel and the surrounding villages
 - Asked Council not to give Bethel the option of having a liquor store
11. Sherry Neth
 - Expressed gratitude to Council Members O'Brien, Jacobs, and Trantham for opposing the initial resolution
 - Stated that she is opposed to resolution #04-23
 - Indicated that there is an alternative way to collect money for the City of Bethel
12. Agnes Phillips
 - Thanked Officer Whittom for her assistance
 - Spoke in favor of allowing people the choice to vote for the liquor store
13. Janet Athanas

- Announced that there would be a Cooperative Extension Fair on August 20 – 21, 2004 at the Log Cabin

14. Lorin Bradbury

- Stated his opposition to a liquor store
- Asked Council to vote no on the liquor store issue
- Stated that he would be in favor of an alcohol delivery site where the City could collect taxes and put controls on liquor
- Suggested that the Council look ahead and ask the State to give the option to implement an income tax

15. Yolanda Jorgensen

- Spoke in favor of resolution #04-23
- Stated that the City would be able to monitor sales
- Expressed that people should be given the right to vote on the liquor store issue

A break was taken from 9:05 p.m. until 9:15 p.m.

APPROVAL OF AGENDA

MOVED BY:	Jacobs	To approve agenda for August 10, 2004 Regular Meeting.
SECONDED BY:	Rodgers	

Council Member Williams asked that Items E and F be discussed at the next Council meeting and that a special meeting be held on August 18, 2004 to deal with Ordinances #04-22 and #04-23.

MOVED BY:	Williams	To have a special meeting on August 18, 2004 to address Ordinance #04-22 and #04-23.
SECONDED BY:	O'Brien	

VOTE ON MOTION	Motion carried by a unanimous vote 7-0.
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VOTE ON MOTION	Motion carried by unanimous voice vote.
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MAYOR'S REPORT

- Letter from Governor Murkowski
- Letter from Lorin Bradbury regarding Family Week
- Letter from Bev Hoffman regarding the opposition of the Animal Control Officer
- Water/Sewer special meeting
- Council Vacancy announcement
- City Clerk's Training

MOVED BY:	Jacobs	To send the City Clerk to the Open Meetings Act training held in Anchorage, on September 22, 2004 and the City Clerk's training with the AML in November.
SECONDED BY:	O'Brien	

VOTE ON MOTION	Motion carried by unanimous voice vote 7-0.
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MOVED BY:	Dyment	To have the City Clerk begin talking with former
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SECONDED BY:	Jacobs	Bethel City Clerks about coming to Bethel to train the Bethel City Clerk.
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VOTE ON MOTION	Motion carried by unanimous voice vote 7-0.	
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- Car Crusher Status

MANAGEMENT TEAM'S REPORT

- Chief of Police interview process
- Crowley/Yukon Merger comment
- Donlin Creek resolution
- AML training
- Travel report
- Leave request for August 13, 2004

MOVED BY:	Williams	To allow City Manager to take leave on August 13, 2004.
SECONDED BY:	Jacobs	

VOTE ON MOTION	Motion carried by unanimous voice vote 7-0	
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MOVED BY:	O'Brien	To send City Manager to Kenai in August to attend the legislative meeting with the AML.
SECONDED BY:	Dyment	

VOTE ON MOTION	Motion carried by unanimous voice vote 7-0.	
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REPORTS OF STANDING COMMITTEES

Council Member Dyment – reported that the Public Safety and Transportation Commission met on August 4, 2004 and that there was a presentation from a man at YKHC, who is involved with animal control, offering his services to help with grant applications to take care of animal control. Mr. Dyment also noted that the Ordinance #04-09(A) was discussed and it was the Commission's recommendation that the Animal Control Officer position needs to be funded. Also discussed at the PSTC meeting was the public transportation system.

MOVED BY:	Rodgers	To suspend the rules to go past 10:00 p.m.
SECONDED BY:	Williams	

VOTE ON MOTION	Motion carried by unanimous voice vote.	
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Council Member Jacobs – reported that the Parks and Recreation Committee had not met meeting since the last meeting. Mr. Jacobs announced the Cooperative Extension Fair on August 20-21 at the Log Cabin.

Council Member O'Brien – reported that the Public Works Committee would meet on August 17, 2004 at 6:30 p.m. at the Public Works Shop. Mr. O'Brien reported that the items of discussion would include the utility rate, the switch from Committee to Commission, the Operation's Manager position, and Ordinance #02-21.

Mayor Short – reported that the Finance Committee would be meeting on August 26, 2004 at 6:30 in the Council Chambers. Mr. Short indicated that one of the issues he would bring up at the meeting would be the income tax that Dr. Bradbury brought up.

Council Member Williams – reported that there was no quorum at the July 19, 2004, Port Commission meeting and that the next meeting would be on August 16, 2004 at the Council Chambers. Mr. Williams stated that the log raft issue would be discussed.

Council Member Trantham – reported that the Senior Advisory Board would meet in September, 2004.

Council Member Rodgers – reported that the Planning Commission would meet on August 12, 2004 to discuss the subdivision around the Receiving Home, trails and roads for off-road vehicles, realigning right away of Noel Polty Road.

Council Member Dymont asked for an update on the National Flood Insurance Program.

John Malone, City Planner, stated that he is working to reduce the National Flood Insurance Program by 20% and that an application would be submitted.

UNFINISHED BUSINESS

Item A - Public Hearing of Ordinance #04-20: An Ordinance accepting the Cadastral Project grant award, authorizing the professional services contract with ASCG regarding the Cadastral Project, and exempting the ASCG professional services contract from the procurement code provisions of chapter 4.20 of the Bethel Municipal Code

There was no one to testify in the public hearing.

MOVED BY:	Rodgers	To adopt Ordinance #04-20.
SECONDED BY:	O'Brien	

Council Member Williams asked why this did not come forth in June and why the contract was signed without Council's approval.

John Malone stated that the agreement with ASCG did not go into effect until Council decided. Mr. Malone explained the importance of the grant as requested by Council Member Dymont.

Council Members discussed the process in which the grant should have been brought forth.

VOTE ON MOTION	Motion carried by a roll-call vote 4-3 (No – Jacobs, Trantham, Williams).
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Item B - Public Hearing of Ordinance #04-09(A): An Ordinance of the Bethel City Council Amending the Adopted Annual FY 2004-2005 Budget

MOVED BY:	Williams	To introduce Ordinance #04-09(A) section by section.
SECONDED BY:	O'Brien	

MOVED BY:	Trantham	To reduce the legal budget by \$73,570.88 under the Administration legal fees 05-1V (line item 10.51.642).
SECONDED BY:	Williams	

City Manager Herron cautioned the Council that they would be making an amendment without proper notice.

A break was taken from 10:32 p.m. until 10:42 p.m.

Mayor Short spoke against the amendment to reduce legal fees.

Council Member Trantham asked for an opportunity to review the total cost of attorney billings for 2003.

VOTE ON MOTION	Motion carried by a roll-call vote 4-3 (No- Dyment, Jacobs, Short).
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Council Members discussed the reasons for eliminating and keeping the Operations Manager and Animal Control Officer. Council Members also increased the City Clerk's budget to reflect the figures as agreed in her employment contract. Due to technical problems, there are no records of the motions and their actions.

VOTE ON MOTION	There are no records of the votes due to technical difficulties.
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NEW BUSINESS

Item A - 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

Ordinance #04-22 to be introduced at the August 18, 2004 special meeting as stated noted in the approval of agenda above.

Item B - Ordinance #04-23: An Ordinance placing the proposition of whether to approve a liquor store on the October 5, 2004 ballot

Ordinance #04-23 to be introduced at the August 18, 2004 special meeting as stated noted in the approval of agenda above.

Item C – Resolution #04-26(A): A Resolution by the City Council amending the acceptance of a 2004 trails grant from the Alaska Department of Natural Resources, Division of Parks and Outdoor Recreation

MOVED BY:	Jacobs	To accept resolution #04-26(A).
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion carried by unanimous voice vote 7-0.
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Item D – A Proclamation recognizing November 21-27th as National Family Week in Bethel

MOVED BY:	Jacobs	To recognize November 21 – 27 th as National Family Week in Bethel.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion carried by unanimous voice vote 7-0.
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Item E - Port Authority

To be discussed at the next Council Meeting as noted in the approval of agenda.

Item F - Expanding City Limits

To be discussed at the next Council Meeting as noted in the approval of agenda.

Item G - Bethel Tourism Project

John Sargent spoke of the City getting a Vista Volunteer to work on the Bethel Tourism Project.

Mayor Short suggested putting this on the August 31, 2004 agenda.

MOVED BY:	O'Brien	To place a special meeting for August 31, 2004.
SECONDED BY:	Jacobs	

VOTE ON MOTION	Motion carried by unanimous voice vote 7-0.
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COUNCIL MEMBER COMMENTS

Council Member Rodgers sent his condolences to the Anaruk family on the loss of their loved one. Mr. Rodgers also stated to hug an elder.

Council Member Williams stated that working with ONC at the joint work session was an honor and that he enjoyed working with ONC to solve the community problems.

Council Member O'Brien echoed Council Member Williams's comments on working with ONC. Mr. O'Brien also noted that he was glad to see all the people at the meeting tonight and that he appreciated the people who stood up to testify.

Council Member Jacobs stated that he enjoyed working with ONC and thanked KYUK for broadcasting the meetings.

Council Member Dymont agreed with Council Member Jacobs. Mr. Dymont commented that it would be best if the Council would wait to speak until called upon by the Mayor.

MOVED BY:	Williams	To go into executive session to receive legal advice
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SECONDED BY:	Dyment	from and discuss legal strategy with the City Attorney about the issues and arguments presented in the briefs that have been filed by the parties in the TACAN Litigation, to discuss a new confidential memorandum of advice from the City Attorney about the TACAN Litigation, for the City Attorney to make recommendations to the City Council regarding the TACAN Litigation strategy, and to seek advice from and provide direction to the City Attorney regarding the next steps to be taken in the TACAN Litigation, and related matters.
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Council Member Rodgers declared a conflict and was allowed to leave the meeting, time not noted.

VOTE ON MOTION	Motion carried by unanimous voice vote 6-0.
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Council came out of Executive Session, time not noted.

MOVED BY:	Jacobs	To come out of executive session.
SECONDED BY:	Williams	

VOTE ON MOTION	Motion carried by unanimous voice vote 6-0.
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MOVED BY:	O'Brien	To reschedule the August 24, 2004 regular Council meeting to August 31, 2004 due to a conflict with primary elections.
SECONDED BY:	Williams	

VOTE ON MOTION	Motion carried by unanimous voice vote 6-0.
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ADJOURNMENT

MOVED BY:	Jacobs	To adjourn the meeting.
SECONDED BY:	O'Brien	

VOTE ON MOTION	Motion carried by unanimous voice vote 7-0.
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With no further business before the Council, the meeting adjourned at 12:45 a.m.

APPROVED THIS 30th DAY OF November 2004.

ATTEST:

Hugh Dyment, Mayor

Selena Malone, City Clerk