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CITY COUNCIL MINUTES
FEBRUARY 23, 1993

CALL TO ORDER Mayor Feaster called the regular Council meeting of February 23, 1993, to order at 7:30 p.m.

ROLL CALL Present: Feaster, Jones, Metcalfe, Trantham, Vanasse, Warner, Wintersteen

APPROVAL/MINUTES M/M by Vanasse, 2nd by Jones to approve the minutes of the February 9, 1993, regular Council meeting as presented. Voice vote. Motion carried unanimously.

APPROVAL/AGENDA M/M by Wintersteen, 2nd by Metcalfe to amend the agenda by changing Item H under New Business (Executive Session-Deliberation/ Selection of City Manager) to Item A and remove the word "Selection" from the title. Poll vote. Motion failed. 3-yes; 4-no (Feaster, Trantham, Vanasse, Warner).

motion M/M by Trantham, 2nd by Warner to amend the agenda by removing the word "Selection" from the title in Item H and striking Legal Strategy--LeRoy Peters vs. City of Bethel; and adding Item I under New Business--Selection of City Manager. Voice Vote. Motion carried unanimously.

MAYOR'S REPORT Mayor Feaster referred Council to his written report and further directed Council's attention to the AML Legislative Bulletin, specifically, the pending legislation on the Open Meetings Act.

Mayor Feaster announced the appointment of Mr. Allen Glore to the Transportation Commission.

motion M/M by Warner, 2nd by Trantham to ratify Mayor Feaster's appointment of Allen Glore to the Transportation Commission. Voice vote. Motion carried unanimously.

MANAGER'S REPORT Interim City Manager Gross reviewed her written Manager's report with Council. In addition she advised Council of the following:

--Sam Hardin from Farmers Home Administration notified Administration that he had received

the 1990 census figures and that the average Bethel household income is above the median. Therefore, the City is no longer eligible for the lower interest rate on loans and is not eligible for grants. The interest rate for the \$1,000,000 loan for the sewer lagoon will go from 5-5/8% to 6.25% or a total of \$61,500 over the 15 year life of the bond.

motion

M/M by Trantham, 2nd by Jones to proceed posthaste in submitting the application to Farmers Home Administration for the \$1,000,000 loan at the interest rate of 6.25% for 15 years. Voice vote. Motion carried unanimously.

--Ms. Gross stated she had been in contact with Ralph Doyle regarding the gravel contract and, while an agreement has yet to be accomplished, they are talking.

--Regarding the gasoline clean up at Public Works, DEC has notified the City that the underground tanks for gasoline must be removed and a site assessment conducted. There are only a few companies in the State qualified to conduct the assessment. In Bethel, there is a company called Bethel Environmental that is certified by DEC, and they have been asked to do the site assessment. Once the soil has been sent out for testing, the City will know what it must do to clean up. In addition, the City is putting a bid package together for contracting out gasoline service.

motion

M/M by Warner, 2nd by Jones that the contract with the Interim City Manager Nancy Gross be extended with an open-ended extension not to exceed the final day in March, 1993. Voice vote. Motion carried unanimously.

City Manager Gross reported that Jerry Korthuis had received estimates of \$800 per 8-hour shift from Foundation Services and Buck Turnbull for snow removal on BIA road. Mr. Korthuis' estimate for the cost to City was \$700 per 8-hour shift. A brief discussion followed.

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motion

M/M by Wintersteen to go with the City's estimate of \$700 and continue the snow removal in-house. Motion withdrawn.

It was the consensus of the Council that the City Manager should decide what course of action to take for snow removal.

Councilman Wintersteen asked who was doing the surveying at the sewer lagoon. City Manager Gross responded that Al Bianchi anticipated he would be present on the job as needed unless he was required to travel to Anchorage for medical reasons. Ms. Gross stated that if that occurred she would work with Jordan Suhr to have a surveyor on the job as needed.

**COUNCIL MEMBER
COMMENTS**

Councilman Metcalfe reported that his trip to Juneau was very worthwhile. There was considerable discussion on issues that were important to not only Bethel but to other municipalities and communities throughout the State. Mr. Metcalfe said he was drafting a report and would have it available at the next Council meeting. He further stated that the Capital Improvements Project brochure was well received. Councilman Metcalfe encouraged other council members to travel to Juneau between now and the end of the legislative session to lobby for the City's CIP requests.

Councilman Vanasse recommended that Public Works grade the surface of the roads before the temperature drops.

Councilman Trantham stated that he had received several calls from Bethel residents complimenting City Administration, Public Works and the City Council for improvements to City operations during the past two weeks.

**REPORTS OF STANDING
COMMITTEES**

Councilman Trantham reported that the Transportation Commission met February 16, 1993, and referred Council to the minutes. The next meeting is scheduled for March 10, 7:30, City Conference Room; the Commission plans to hold regularly scheduled monthly meetings. Mr. Trantham advised Council that

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cab companies are asking to amend the Vehicle for Hire ordinance to raise cab fares to the downtown area by fifty cents. This issue is scheduled for discussion at the March 10 meeting.

Councilman Trantham reported that the next meeting of the Youth Service Committee is scheduled for March 1, 4:00 PM at the Youth Center.

Councilman Warner reported that the Public Works Committee met February 16. Recommendations from the Committee: (1) budget funds for FY 94 to purchase additional dumpsters that will be assembled locally; (2) the Committee be allowed to screen Public Works Director applicants; (3) put out for bid the sale and moving of the two story building at Nicholson well site; if no bids are received then demolish the building. It was noted that the building must be inspected for asbestos; (4) Public Works no longer operate a gasoline station and that the City go out to bid to local vendors for all gasoline purchases for City vehicles. Mr. Warner also noted that the previous Public Works Director, Dave Martin, had an approved plan from DEC for the tank farm at Public Works which should be on file with the Public Works Department; (5) the City proceed with formal planning/engineering for City Subdivision water and sewer extensions, or at least sewer extensions since the grant received was designated for that purpose; the formal planning to include, if possible, upgrade of the existing 6 inch sewer line to an 8 inch for at least part of its run.

Mayor Feaster stated that the policy for review of applicants for departmental positions allows the City Manager to delegate screening responsibilities as she/he considers appropriate.

Councilman Vanasse reported that the Public Safety Committee was scheduled to meet February 24, 12:00 Noon, at the Police Station.

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City Manager Gross gave the report of the Planning Commission meeting held February 17. Ms. Gross reported that the Committee took action on the Second Avenue vacation and the waste heat easement which were scheduled to be addressed by Council under Items E and F on the current agenda.

Councilman Wintersteen reported that the Port Commission met on February 15 and discussed the following: (1) the cost and feasibility of expanding the Port Office; (2) the proposal at the six-month budget review to hire three temporary harbor attendants; (3) moorage space designation for 1993 would be provided in the following order i) processors; ii) fish buyers; iii) tender boats; (4) J.B. Crow presented a history of the valuation of his claim to the ownership of the two lots that the City claims he is in trespass. It was the recommendation of the Port Commission that he go to the Planning Commission with his claim. City Manager Gross stated that he did take his claim to the Planning Commission.

Councilman Jones reported that the Finance Committee had met in a joint meeting with the City Council on February 18. The next meeting was scheduled for March 18. Mayor Feaster stated that he had talked with the Chairman of the Finance Committee, Warren Loschky, who indicated that the Committee intended to help develop a vehicle and equipment replacement plan.

Mayor Feaster reported that the Solid Waste Committee was still reviewing the asbestos issues. DEC had advised the City that it needed to research the permitting process. The process will be more complicated if the asbestos to be disposed of is friable. One solution would be to designate land adjacent to the landfill as the site for disposal of friable asbestos, therefore preventing the delay of obtaining a permit for disposal of non-friable asbestos.

PEOPLE TO BE HEARD

Harry Faulkner of Foundation Services advised Council that the equipment he had rented to the City for use on the sewer lagoon project

had been returned to his company by the City in a condition that was not acceptable to him. Following a lengthy discussion, City Manager Gross stated that she would review the lease document for rental of the equipment and compare it against the inspection document, that she would conduct a joint inspection of the lease equipment in question with Public Works and Foundation Services, and that she would look into the problem with the light plant.

Mr. Faulkner further stated that he did not feel the City had made significant progress in dredging of the small boat harbor and recommended that Public Works reimburse the Port Fund for the monies expended on the dredging and that the City put out a bid to contract for dredging. Council requested that an item regarding an invitation for bid for dredging the small boat harbor be placed on the agenda for March 9, 1993.

Mr. George Myran, Manager of Swanson's Store, requested Council resolve the matter of the Second Avenue vacation which was an agenda item for consideration later in the meeting.

Council broke at 8:35 PM for a short recess. At 8:45 PM, Mayor Feaster called the meeting back to order.

OLD BUSINESS

Item A: Pacifica
Lease

**DISCUSSION WITH DIANE CARPENTER (PACIFICA
INSTITUTE) REGARDING BUS BARN/BOJANGLES LEASE**

Mayor Feaster began the discussion by giving a brief explanation of the process involved in leasing the Bus Barn and Bojangles buildings, the subsequent discovery of fire hazards requiring major repair and electrical work, and the discovery that a portion of the Bojangles building encroaches on BNC land.

Ms. Carpenter referred Council to a Plan Review she had submitted to the State Fire Marshal and stated that a decision on how to proceed further could not be made until she had received a response to the plan from the Fire Marshal. Ms. Carpenter indicated that

she had invested a considerable amount of money over the past winter into repairing the buildings. When asked how much money had been invested, Ms. Carpenter stated approximately \$35,000 to \$40,000. Mayor Feaster pointed out that it was his understanding that the State Fire Marshal had ordered that the buildings could not be occupied in any manner until the Fire Marshal had received and responded to the Plan Review. Ms. Carpenter commented that it was her understanding that the building was not to be opened to the public. Responding to Ms. Carpenter's comment, Bethel Fire Chief, George Young, strongly advised Ms. Carpenter that no one should enter either of the buildings under any circumstances until a report from the Fire Marshal had been received.

Following a lengthy discussion, Council asked that the issue be placed on the agenda for the next regular Council meeting, March 9, 1993, as an Executive Session item, entitled Legal Strategy, Pacifica Lease. Council directed City Manager Gross to obtain advice from the City Attorney on the matter prior to the meeting. In addition, Council requested that Ms. Gross obtain from Pacifica Institute the cost for moving the Bojangles building.

motion

M/M by Warner, 2nd by Wintersteen to table the matter of the Pacifica lease to the March 9, 1993, regular Council meeting and that it be placed on the agenda as an Executive Session item. Voice vote. Motion carried unanimously.

Item B: Res. 93-09 RESOLUTION #93-09: A RESOLUTION ACCEPTING THE GRANT FOR THE BETHEL HEIGHTS SEWER PROJECT #16714

City Manager Gross reported that Village Safe Water had notified her that the grant funds could only be used for a sewer project. Lobbyist Rick Union is scheduled to meet with a representative from DEC to review the situation. Several recommendations were offered primarily focusing on accepting the grant and going out for bid for both the water and sewer portions of the job to determine

what the cost of both projects would be. Once that was accomplished a decision on how to proceed could be made.

motion

M/M by Warner, 2nd by Vanasse to adopt Resolution #93-03, a resolution accepting the grant for the Bethel Heights sewer project, #16714. Poll vote. Motion carried unanimously.

NEW BUSINESS

**Item A: Senior
Center Letters
of Intent**

**LETTER OF INTENT TO APPLY FOR TITLES III & V
AND THE ADULT DAY CARE PROGRAM TO THE OLDER
ALASKAN COMMISSION**

City Manager Gross explained that the letters of intent were required to formalize the application for Titles III & V and the Adult Day Care Programs.

motion

M/M by Vanasse, 2nd by Wintersteen for approval of the letters of intent for the Senior Center Programs as presented. Voice vote. Motion carried unanimously.

**ITEM B: Port
Accts. Rec.**

OUTSTANDING ACCOUNTS RECEIVABLE--DOCK FUND

City Manager Gross presented the uncollectible accounts in the amounts of \$23,513.84 and \$943.80 (M/V Quicksilver) from Kemp-Palucci Seafoods and requested that Council approve the write-off of these accounts. Port Director, Stuart Greydanus, advised Council that he had made an error in calculating the \$23,513.84 figure and asked that Council reconsider the request at the March 9, 1993, Council meeting.

motion

M/M by Warner, 2nd by Vanasse to table the matter to the March 9, 1993, Council meeting pending receipt of the exact amount required to write-off the Kemp Palucci debts. Voice vote. Motion carried unanimously.

motion

M/M by Warner, 2nd by Jones to continue meeting past 10:00 PM. Voice vote. Motion carried. 6-yes; 1-no (Wintersteen).

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**Item C: Intro. INTRODUCTION OF ORDINANCE #93-02-A: BUDGET
Ord. #93-02-A AMENDMENT**

motion M/M by Warner, 2nd by Trantham to introduce Ordinance #93-02-A, Budget Amendment, for public hearing at the March 9, 1993, Council meeting. Voice vote. Motion carried unanimously.

**Item D: Intro. INTRODUCTION OF ORDINANCE #93-03: REVENUE BOND
Ord. #93-03 FOR THE SEWER LAGOON PROJECT**

City Manager Gross advised Council that the bond ordinance had been drafted by the City's bond counsel, Timothy Middleton, based on the information the City received from Farmers Home Administration.

motion M/M by Warner, 2nd by Jones to introduce Ordinance #93-03, Revenue Bond for the Sewer Lagoon Project, for public hearing at the March 9, 1993, Council meeting. Voice vote. Motion carried unanimously.

**Item E: Vacation VACATION OF A PORTION OF SECOND AVENUE IN THE
of Second Avenue VICINITY OF LOTS 1, 2, 3, 4 OF BLOCK 17, A
 REPLAT OF A PORTION OF BLOCKS 15 AND 17 OF USS
 3230 A & B**

City Manager Gross referred Council to a letter from Omni Enterprises and minutes from the March 12, 1992, Planning Commission meeting. Mayor Feaster pointed out that the problem of encroachment dated back some years ago and had been before the Planning Commission several times within the past two years in an attempt to resolve the matter. City Manager Gross further explained that Swanson's Store had built into the right of way of Second Avenue approximately 10 years ago. There was effort on the part of property owners to resolve the issue. On March 12, 1992, the Planning Commission voted to accept the replat for the partial vacation of Second Avenue. City Manager Gross stated that the matter was now before the Council for its approval of the vacation.

motion

M/M by Warner, 2nd by Jones that the City Council accept the Planning Commission's approval of the vacation of a portion of Second Avenue as shown in the replat of USS 3230 A&B, Blocks 15 and 17, as set forth in the March 12, 1992, minutes of the Planning Commission. Voice vote. Motion carried unanimously.

Before a decision could be made on whether to request compensation for the vacated land, Council requested City Manager Gross determine the manner in which the City initially acquired the right of way.

Item F: Waste Heat Easement

ACCEPTANCE OF FINAL PLAT OF WASTE HEAT EASEMENT WITHIN CITY CENTER SUBDIVISION

motion

M/M by Warner, 2nd by to accept the easement agreement between the City of Bethel and Bethel Utilities Corporation as corrected (under item #9 of the agreement add the words "and approved by the City Council"). Voice vote. Motion carried unanimously.

Item G:

GAMING PERMIT APPLICATION(S)

The gaming application permit from Bethel League, Inc. was brought before Council at the January 26, 1993, meeting. At that time Council requested further information from ONC, sponsor of the Bethel League. It was noted that the application presently before Council did not contain the information Council was seeking.

motion

M/M by Jones, 2nd by Trantham to table the gaming permit application submitted by Bethel League, Inc. Voice vote. Motion carried. 6-yes; 1-no (Vanasse).

motion

M/M by Wintersteen, 2nd by Jones to go into Executive Session to consider the deliberation/discussion of the City Manager position. Voice vote. Motion carried unanimously.

motion

M/M by Warner, 2nd by Trantham to come out of Executive Session. Voice vote. Motion carried unanimously.

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Item I: City
Manager Position

EXECUTIVE SESSION: PERSONNEL ISSUE--
DELIBERATION CITY MANAGER POSITION

motion

M/M by Jones, 2nd by Metcalfe to offer a contract to William Hunter as City Manager, terms to be negotiated. Poll vote. Motion carried unanimously.

motion

M/M by Warner, 2nd by Jones to adjourn the meeting at 12:35 PM. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 9th DAY OF March, 1993.

James H. Feaster III
James H. Feaster III, Mayor

ATTEST:

Jane Elam
Jane Elam, City Clerk