
City of Bethel, Alaska

City Council Minutes

September 28, 2004

Regular Meeting

Bethel, Alaska

CALL TO ORDER

A regular meeting of the Bethel City Council was held on September 28, 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:

R. Thor Williams	Michael O'Brien
Dave Trantham	Andrei Jacobs (telephonically)
Hugh Short, Jr.	
Stanley "Tundy" Rodgers	

Excused absence(s):

Hugh Dymont

Also in attendance were the following:

Bob Herron, City Manager
Selena Malone, City Clerk

PEOPLE TO BE HEARD

1. Susan Taylor addressed Council to inquire about the Bethel Group Home building and what the City plans to do with the building once the lease expires with LKSD. City Manager Herron and Council explained that LKSD owns the building and the City owns the land, plans have not been decided at this time.

APPROVAL OF MINUTES

MOVED BY:	Williams	Move to postpone the approval of the minutes for 7/27/04, 8/10/04, 8/18/04, 8/31/04, 9/07/04, 9/20/04.
SECONDED BY:	O'Brien	

VOTE ON MOTION	Passed by a voice vote of 6-1 (No: Rodgers)
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APPROVAL OF CONSENT AND REGULAR AGENDA

MOVED BY:	Jacobs	To approve the consent agenda and regular agenda for September 28, 2004.
SECONDED BY:	Williams	

VOTE ON MOTION	Passed by a unanimous voice vote.
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MAYOR'S REPORT

- Appointment of Senior Advisory Board-Alice Chriswell

MOVED BY:	Trantham	To confirm the appointment of Alice Chriswell to the Senior Advisory Board.
SECONDED BY:	Williams	

VOTE ON MOTION	Passed by a unanimous voice vote.
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- Request by Joseph Sonny Venes to purchased land from the City.

MOVED BY:	Tratham	To forward Joseph Sonny Venes's request to the City Planning Department.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Passed by a unanimous voice vote.
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- AML 2004 Municipal Officials of the year nomination form
- Letter from the Alaska Department of Transportation
- Letter from John McKinnon
- Special Meeting at 11:30a

Council Member Trantham requested an AML Candidate Questionnaire be forwarded to Representative Mary Kapsner. Council concurred to direct City Manager Herron to forward the questionnaire.

Council Member Trantham explained the State Dividend being requested by AML.

MANAGER'S REPORT

- Response to the Department of Transportation's scoping comment letter
- Staffing overview for past weeks
- Letter from Robert Bumgardner
- Upcoming travel status

Council, City Manager Herron, and Finance Director Strahan discussed the 2004 sales tax audit process.

Council Member Trantham requested a 5 minute recess to allow Finance Director Strahan to provide copies of the finance statement to the public.

Council Member Trantham suggested the City of Bethel revoke business licenses for non payment of sales tax.

Mayor Short reiterated his public apology to Andrew Steele.

REPORTS OF STANDING COMMITTEES

Senior Advisory Board

- Council Member Trantham reported the board last met on 9-14-04. Council Member Trantham explained the election differences of the Senior Board compared to other Committees and Commissions due to a yearly 3 month break during the summer.

Planning Commission

- Council Member Rodgers reported the Commission did not have a quorum at the 9-9-04 mgt. The next meeting will be held on the second Thursday of October.

Port Commission

- Council Member Williams reported the Commission last met on 9-20-04, Howard Elliot reported several robberies and one fire at the east avenue buildings. The area will be patrolled by Port. The Port has collected \$111,000 on funds due to the city. The Commission discussed plans for a new Port Office.

Public Works Committee

- Council Member O'Brien reported that Committee last met on the previous Tuesday however Council Member O'Brien was unable to attend the meeting. The Public Works Director gave Council a brief synopsis of the meeting which included discussion of the Water & Sewer Plan.

Council concurred to take a brief recess.

Public Safety and Transportation Commission (Council Member Dymont was not in attendance to report on the Commission Meeting)

Finance Committee

- Mayor Short reported the Committee last met on 9-23-05 and he was unable to attend. The Committee discussed revising water and sewer rates on an annual basis.
- The Committee suggested that council vote down ordinance #04-09.
- Discussed a 1% City Tax increase
- Delinquent local business sales tax

MOVED BY:	Williams	To direct administration to write a letter to the City of Bethel Employee Association local 6055 to state a Union negotiation contract should be drafted by January 1, 2005.
SECONDED BY:	Trantham	

VOTE ON MOTION	Motion passed by a roll call vote of 5-1 (No-Short)
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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

MOVED BY:	O'Brien	To adopt 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
SECONDED BY:	Rodgers	

MOVED BY:	Trantham	To suspend the rules to allow public testimony.
SECONDED BY:	Rodgers	

VOTE ON SECONDARY MOTION	Passed by a voice vote of 5-1 (No- Williams)
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1. Dan Leinberger (local business owner) addressed Council to state that he is opposed to having a dumpster placed at all business locations.
2. Janet Athanas (local business owner) addressed Council to state that there BMC does not currently address local business owners bringing their garbage to the local dump and does not in favor of having to pay a flat rate.
3. Yolonda Jorgensen (local business owner) addressed Council to state that when a local business has a dumpster in front of their establishment it becomes a community dumpster. Ms. Jorgensen also stated that she was displeased that she was not made aware of the commercial dumpster fee of \$75 being charged as of July '04.
4. Oley Olsen (citizen) addressed Council to state that he is opposed to Ordinance #04-06.

MOVED BY:	Rodgers	To amend ordinance #04-06 to reduce the monthly flat rate from \$75 to \$45.
SECONDED BY:	O'Brien	

VOTE ON PRIMARY AMENDMENT	Passed by a roll call vote of 4-2 (No- Williams & Trantham)
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VOTE ON MAIN MOTION	Passed by a roll call vote of 4-2 (No-Williams & Tranham)
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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

Public Hearing:

1. Fire Chief George Young addressed Council to state he is opposed to Council removing the Animal Control Officer position.
2. Police Officer Andrea Achee addressed Council to state that he is opposed to Ordinance #04-09(A) and would like to see the Animal Control Officer kept as a full time position.
3. Andy McGowan addressed Council to state that he is opposed to removing the Animal Control Officer position.

MOVED BY:	Williams	To adopt Ordinance #04-09 (A) one section at a time.
SECONDED BY:	O'Brien	

Council concurred to take an 8 minute recess.

VOTE ON MOTION	Failed by a voice vote.
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MOVED BY:	O'Brien	To adopt Ordinance #04-09 (A): An Ordinance of the Bethel City Council Amending the Adopted Annual FY 2004-2005 Budget
SECONDED BY:	Rodgers	

MOVED BY:	O'Brien	To delete section 05-1C.
SECONDED BY:	Rodgers	

VOTE ON PRIMARY AMENDMENT	Passed by a roll call vote 5-1 (No-Williams)
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VOTE ON MOTION	Passed by a roll call vote of 4-2 (No-Jacobs & Short)
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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

Public Hearing:

1. Mr. Roczicka addressed Council to state that he supports Ordinance #04-15.

MOVED BY:	O'Brien	To adopt 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
SECONDED BY:	Rodgers	

VOTE ON MOTION	Passed by a roll call vote of 5-1 (No-Trantham)
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Item D - Discussion: Port Authority

Council and City Manager Herron discussed options of a Port Authority.

City Manager Herron suggested that he and Council Member Williams start to develop a working group to provide Council common interests and objectives for a Port Authority for the Lower Kuskokwim.

Item E-Discussion: Expansion of City Limits

Council and City Manager Herron discussed the recommendation and options for City limit expansions.

Item F-Discussion: "Donut Hole"

MOVED BY:	Williams	To direct Administration by the end of October '04 to develop a plan to go through the Public Works Committee on the road through the donut hole from the Ptarmigan side of the road through the end of our property through the donut hole, looking at how to develop this property for future growth within our community concerning a recreational center, a water distribution site, and also property use in that area.
SECONDED BY:	O'Brien	

VOTE ON MOTION	Passed by Council concurrence.
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Item G-Discussion: Resolution #02-14 & Bethel Dock Facility Transfer

MOVED BY:	Williams	To direct Administration go through the finances of the Port and come up with how to continue to fund the Port in the future if the City decided to take over the Port facility including revenues on fuel and fees and to have the Port Commission make a recommendation to Council.
SECONDED BY:	Rodgers	

MOVED BY:	O'Brien	To suspend the rules to proceed past 10p.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Passed by voice vote 5-1 (No-Williams)
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VOTE ON MOTION	Passed by a unanimous voice vote.
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NEW BUSINESS

Item A – Ordinance #04-25: An Ordinance amending section 2.04.050 of the Bethel Municipal Code to add the Clerk’s Report as part of the order of business at the Council’s regular meetings

Ordinance #04-25 introduced on the consent agenda.

Item B – Confirmation of City Manager’s Appointment of Chief of Police

Andre Achee addressed Council to state that he’s in favor of the appointment of Ben Dudley as Chief of Police.

Andrew McGowan addressed Council to state that he’s in favor of appointing Ben Dudley as Chief of Police.

City Manager Herron stated that the City Attorney advises Council to confirm the City Manager’s appointment of the Chief of Police.

MOVED BY:	O’Brien	To confirm the City Manager’s appointment of the Chief of Police Ben Dudley.
SECONDED BY:	Jacobs	

VOTE ON MOTION	Passed by unanimous Council concurrence.
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Council concurred to take a brief recess.

Item C – Resolution #04-37: A Resolution supporting the submittal to the State of Alaska, Department of Community and Economic Development (DCED), for a Grant to revise the Coastal Management Plan, in the amount of \$18,000

MOVED BY:	Williams	To adopt resolution #04-37: A Resolution supporting the submittal to the State of Alaska, Department of Community and Economic Development (DCED), for a Grant to revise the Coastal Management Plan, in the amount of \$18,000
SECONDED BY:	O’Brien	

VOTE ON MOTION	Passed by unanimous Council concurrence.
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Item D – Draft of final report by Nelson Nygaard Consulting Associates with HDR Alaska, Inc.

MOVED BY:	Rodgers	To add item D to the next Council agenda to give Council an opportunity to review the document.
SECONDED BY:	Williams	

VOTE ON MOTION	Passed by unanimous Council concurrence.
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Item E - Resolution #04-38: A Resolution to accept the Bethel Public Transportation Plan Prepared by Nelson/Nygaard Consulting Associates with HDR Alaska, Inc.

No action taken-postponed to the next Council meeting

Item F - Resolution #04-39: A Resolution accepting Village Safe Water funding from Department of Environmental Conservation in the amount of \$3,000,000 as part of grant offer #16728

Council Member Jacobs departed meeting.

MOVED BY:	O'Brien	To adopt Resolution #04-39: A Resolution accepting Village Safe Water funding from Department of Environmental Conservation in the amount of \$3,000,000 as part of grant offer #16728
SECONDED BY:	Rodgers	

VOTE ON MOTION	Passed by a unanimous roll call vote.
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Item G - Resolution #04-40: A Resolution of the City Council of Bethel, Alaska, authorizing the disposal of City-owned personal property, four buildings, no longer necessary for municipal purposes

MOVED BY:	Williams	To adopt Resolution #04-40: A Resolution accepting Village Safe Water funding from Department of Environmental Conservation in the amount of \$3,000,000 as part of grant offer #16728 as amended removing old recycling quansit hut.
SECONDED BY:	O'Brien	

VOTE ON MOTION	Passed by a roll call vote of 4-1 (No-Rodgers)
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MOVED BY:	Williams	To suspend the rules to proceed past 11p.
SECONDED BY:	O'Brien	

VOTE ON MOTION	Passed by voice vote 5-1 (No-Rodgers)
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Item H – Resolution #04-41: A Resolution recommending the funding for the part-time aide position at the Bethel Youth Center

MOVED BY:	O'Brien	To adopt Resolution #04-41: A Resolution recommending the funding for the part-time aide position at the Bethel Youth Center
SECONDED BY:	Rodgers	

VOTE ON MOTION	Passed by a voice vote of 4-1 (No-Williams)
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Item I – Resolution #04-42: A Resolution confirming the appointment of election officials for the City of Bethel Regular Election on Tuesday, October 5, 2004

MOVED BY:	Rodgers	To adopt Resolution #04-42: A Resolution confirming the appointment of election officials for the City of Bethel Regular Election on Tuesday, October 5, 2004.
SECONDED BY:	O'Brien	

VOTE ON MOTION	Passed by a unanimous voice vote
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Item J – A Proclamation declaring the week of October 3-9, 2004, as Fire Prevention Week in Bethel

MOVED BY:	O'Brien	To approve the October 2004 Fire Prevention Week Proclamation.
SECONDED BY:	Williams	

Agnes Phillips addressed Council to state that she's in favor of the proclamation.

VOTE ON MOTION	Passed by a unanimous voice vote
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Item K – Discussion: Regarding the filling of Council Member Jacobs' seat per the accepted resignation of date of September 29, 2004

City Manager Herron advised Council that an ordinance had been past previously regarding the procedure for a Council vacancy seat.

Item L - Discussion: Administration's 8-18-04 memo regarding determining water rates

Council concurred to table agenda item to the next Council Meeting when Council member Dymont is in attendance.

Item M - Discussion: Status of RFP to lease portions of the City lot between NAPA & Longhouse Inn

City Manager Herron stated that the City has ordered the appraisal that is required to lease the lot.

MOVED BY:	Williams	To direct the City Manager to continue with the appraisal of the entire lot for any purpose at this time and provide to Council.
SECONDED BY:	O'Brien	

VOTE ON MOTION	Passed by a unanimous voice vote
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Item N - Discussion: Sales tax improvement concerning businesses not using receipts

City Manager Herron advised Council that a Sales Tax Task Force group is working on sales tax improvements.

COUNCIL MEMBER COMMENTS

Council Member O'Brien: stated that it was a good meeting tonight and there was lots of good debate and discussion and thanked Council and citizens of Bethel for all of their comments. Also stated that it's a duty to get out and vote.

Council Member Williams: stated that he concurred that the Council process is the best democracy as a community and as a country. Council member Williams also stated that he is looking forward to October 12th and the newly seated Council.

Council Member Trantham: thanked Council member Jacobs for his two year service on City Council. Council member Trantham also stated that many community members are concerned about the budget and sales tax collection and lack of. Council member Trantham stated that the accusations against him are false and suggested to all community members to vote.

Council Member Rodgers: offered his sincere get well wishes to Antone Anvil. Council member Rodgers also advised and discussed the moose moratorium and thanked Council member Jacobs for his services. Go hug an elder.

Mayor Short: thanked his wife and children for standing by him during his tenure as Mayor, thanked the community for helping him grow, City Manager Herron and administration for all their hard work and dedication, and the fellow Council Members for their partnership.

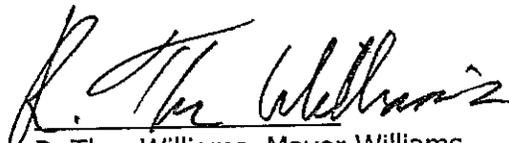
MOVED BY:	O'Brien	To adjourn meeting.
SECONDED BY:	Williams	

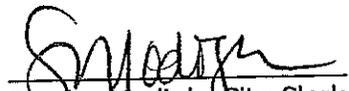
VOTE ON MOTION	Passed by a unanimous voice vote
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With no further business before the Council, meeting adjourned at 11:54p

APPROVED THIS 13TH DAY OF DECEMBER 2005.

ATTEST:


R. Thor Williams, Mayor Williams


Sandra Modigh, City Clerk