
City of Bethel, Alaska

City Council Minutes

July 10, 2001

Regular Meeting

Bethel, Alaska

CALL TO ORDER

A regular meeting of the Bethel City Council was held on July 10, 2001, at 6:30 p.m. in the Council chambers, Bethel, Alaska.

Mayor Rodgers called the meeting to order at 6:34 p.m.

ROLL CALL

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

Jerry Drake	Stanley "Tundy" Rodgers
Agnes Phillips	Dario Notti
Karol Pobrislo	Carl Berger

Also in attendance were the following:

Robert Herron, City Manager
Colleen Soberay, City Clerk

PEOPLE TO BE HEARD

Andrew Steele, Bethel Police Department, up-dated Council on the status of collecting questionnaires from the taxicab industry. He said the PSTC decided to subpoena the questionnaires, as the taxicab industry is not cooperating.

APPROVAL OF MINUTES

MOVED BY:	Drake	To approve the minutes of the June 26 regular meeting
SECONDED BY:	Pobrislo	

**Corrections noted by city clerk*

VOTE ON MOTION	Motion carried by unanimous voice vote.
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APPROVAL OF AGENDA

MOVED BY:	Drake	To approve the consent agenda and regular agenda after removing new business item C and E off the consent agenda and adding new business item F: Resolution #01-23 to the agenda
SECONDED BY:	Pobrislo	

Consent agenda items: Ordinance #01-27 and #01-29—introduced and set for public hearing July 24, 2001

VOTE ON MOTION	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 June 25 and July 2, 2001
- Alaska Science and Technology Foundation Current News
- Letter from the Denali Commission — *Re:* Community Strategic Plan Guide and Form—
The intent of the plan and guide is to provide rural communities with the tools to define and pursue a value based community plan to ensure funding entities have access to what the community defines as important
- Letter from Gilbert Keywehak — *Re:* Thanks for prompt installation of the drainage culverts on Second road Housing by the Bethel Group Home
- Letter from the Department of Community and Economic Development — *Re:* FY02 State revenue sharing program—Notice of Entitlement—Entitlement amount: \$154,688.
- Letter from the Department of Community and Economic Development — *Re:* FY02 Alaska Coastal Management Program Grant—Grant amount: \$7,100.
- Governor's Report on Health and Public Safety
- Governor's Report on Business
- Governor's Report on Rural Issues
- Alaska Conference of Mayors and AML Board of Directors Meeting Notice—August 16 and 17, 2001

MAYOR'S APPOINTMENTS

MOVED BY:	Drake	To appoint Walter Suomela to the Port Commission and Brad Kehoe to the Public Safety & Transportation Commission
SECONDED BY:	Phillips	
VOTE ON MOTION	Motion carried by unanimous voice vote.	

MANAGEMENT TEAM'S REPORT

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

- Public Transportation System—At Council direction, city manager began research on an alternative transit operation for the Bethel community that included talking with Mayor Vordestrasse of Barrow about the bus system in Barrow—Barrow does not operate the system; the North Slope Borough operates and maintains the bus enterprise at a considerable subsidy.
- Rural Development of USDA—Bill Allen, USDA State Director, visited Bethel in June 2001
- DOT met informally with Council in regard to the STIP process
- Greg Sergeant, City employee, suffered a heart attack right before 4th of July—Mr. Sergeant is recovering

City Clerk Soberay reviewed the following items with Council:

- Council meeting calendar July through December 2001— Requested Council approve with a motion

MOVED BY:	Notti	To approve city Council regular meeting calendar for July 2001 through December 2001
SECONDED BY:	Drake	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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- CH2M HILL, engineering firm, is conducting the Bethel lagoon/landfill feasibility study—Council invited to participate in kick-off meeting July 13, 2001
- Request for leave July 24 to August 5—Council *approved city clerk's leave request.*

REPORTS OF STANDING COMMITTEES

Senior Advisory Board

Council member Berger said the SAB has not met.

Parks and Recreation Committee

Council member Pobrislo said the committee has not met due to lack of quorum and the next meeting has not yet been scheduled.

Planning Commission

Council member Notti said the next meeting is scheduled for July 12. Council member Notti reviewed the agenda.

Port Commission

Mayor Rodgers said the commission is scheduled to meet July 16 at 7:30. Mayor Rodgers reviewed the agenda.

Public Works Committee

Council member Drake said the committee has not met since the last Council meeting, but is scheduled to meet July 17. Council member Drake said ONC is working with the City on bringing an Americorps Volunteer to Bethel to help set-up and operate the recycling program. He said the Americorps Volunteer would be here soon for about one year.

Public Safety and Transportation Commission

Council member Williams was not present.

Finance Committee

Council member Phillips said the committee met Thursday, June 28. Council member Phillips reviewed the minutes. Council member Phillips said the committee recommends that Council outsource City garbage collection by directing the city manager to request proposals for this service using commercial or private means. Council member Phillips also said that although it was brought to the committee to recommend to Council that Ptarmigan Air be allowed to continue operations under its current status, the recommendation failed at the committee level. She also said Mark Renner resigned from the committee and Hal Jones was elected the new as the new chairman.

Council member Pobrislo asked if the recommendation to outsource garbage collection has gone through the public works committee or the city manager. City manager Herron said outsourcing garbage collection is something that he has wanted to do for some time, but the recommendation is from the finance committee. City manager Herron suggested Council direct administration to do

research on outsourcing garbage collection and with the timing of the feasibility study administration could present information to Council after that study is complete. Council member Pobrislo asked who would crunch the numbers. City manager Herron said the question is can the private sector provide better garbage collection services, but the Finance Director would crunch numbers. Discussion ensued.

Mayor Rodgers clarified that the recommendation on page 52 in regard to Ptarmigan Air operations did not pass the finance committee and was noted as a recommendation to Council in error. Discussion briefly ensued.

MOVED BY:	Drake	To direct City administration to study the financial impact of outsourcing garbage collection for the City
SECONDED BY:	Pobrislo	

VOTE ON MOTION	Motion carried by unanimous voice vote
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UNFINISHED BUSINESS

Item A — Public Hearing — Ordinance #01-26: Amending section 5.20.160 of the BMC regarding payment of fees for regulation of taxicabs and river taxis

Mayor Rodgers opened the public hearing. With no one to speak to this ordinance, Mayor Rodgers closed the public hearing.

MOVED BY:	Drake	To adopt Ordinance #01-26
SECONDED BY:	Pobrislo	

Andrew Steele pointed out that the new item added was to collect a surcharge of \$100 for late payment of fees provided in the current Code. Council member Notti asked if there are currently late charges in place. Mr. Steele replied no. Council member Notti asked why this surcharge should be in place. Mr. Steele replied as an incentive for the taxicab industry to pay on time. Mr. Steele explained the intention was to include this in the recently passed taxicab industry ordinance and since it was not included then the PSTC is adding it now. Discussion briefly ensued.

VOTE ON MOTION	Motion carried by a roll-call vote 4-2 (Notti and Rodgers)
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Item B — Discussion: City Administration's due diligence plan for Tract 5-C

Robert Baumgartner, owner of Bristol Alliance Fuels Alliance, and Paul Fuse made an oral presentation to Council in regard to Bristol Alliance Fuels' proposal to build a second fuel tank farm on City-owned property, Tract 5-C. Mr. Fuse said Bristol Alliance Fuels made the proposal to Council because the company feels it could successfully build and operate a fuel tank farm in Bethel that would benefit the community. Mr. Baumgartner explained some of the economic study findings. Mr. Baumgartner said he has been studying the Bethel market for almost a year and it's a very attractive market place. He explained the demographics compared to other communities, the heating demand and the electrical generation requirements of the Bethel community. Mr. Baumgartner gave specific examples of cost comparison of fuel for Dillingham vs. Bethel. He said fuel costs in Bethel are primarily higher because of lack of competition in Bethel. He also explained the profit margins Bristol Alliance Fuels has researched and estimates Bristol Alliance Fuels expects for an operation in Bethel. He continued that Bristol Alliance Fuels has potential to make money in Bethel as well as save money for the residents of Bethel.

Mr. Fuse explained specifics of the market. He said consumers and business entities would realize savings. He said he hopes Council will support the RFP process and expedite the process to allow for construction to take place during the next construction season. Mr. Fuse also recommended placing the onus on the companies proposing to build a fuel tank farm to complete the necessary environmental studies, rather than place that financial burden on the City.

Mayor Rodgers asked if Bristol Alliance Fuels has the financial backing to construct and operate another fuel tank farm. Mr. Baumgartner said the company does have the financial capability to build and operate another fuel tank farm. He also explained it is the developers responsibility to conduct an environmental study, specifically for permit reasons. He further explained that before a developer can disclose its financials for a project, it must have the location identified and confirmed.

Council member Notti asked if the Bristol Alliance Fuels would conduct an environmental study prior to the RFP process. Mr. Baumgartner said an RFP should have these contingencies in it that requires the developer to conduct the items listed in the city's due diligence plan because these are the types of things a developer is normally required to do.

Council member Berger pointed out there is some dispute over the legality of building a fuel tank farm on Tract 5-C. Mr. Fuse responded that the dispute is for the city attorney to advise, but said that it is a normal part of Port activity and is done all over Alaska.

Council member Notti asked if new or old tanks would be used, if awarded a contract for a fuel tank farm. Mr. Baumgartner said Bristol Alliance Fuels does not have old tanks and said it is cheaper to construct new tanks than to ship tanks to Bethel. Mr. Fuse made clear Bristol Alliance Fuels commitment to local training and hiring.

Council member Pobrislo asked if Bristol Alliance Fuels built the fuel tank farm in Dillingham and how long did it take to construct. Mr. Baumgartner said Bristol Alliance Fuels did build it and it took about 13 months.

Discussion ensued in regard to construction technicalities.

City manager Herron said in regard to his due diligence plan, that Bristol Alliance Fuels has good points. He said the question is what does Council want to do and is Council interested in being part of a second fuel tank farm.

Council member Drake said he agrees that the developer should be required to conduct the environmental/geotechnical studies and the most important thing for the City to do is get Tract 5-C appraised. Council member Pobrislo agreed with Council member Drake and said she would like a second tank farm in Bethel, but doesn't know if Tract 5-C is the place for it.

Mayor Rodgers recommended delaying the due diligence plan until the land has been appraised. Council member Berger said that if the City should have the only appropriate piece of land for a fuel tank farm, he doesn't want to see that piece of land blocked for a fuel tank farm. Council agreed an appraisal should be conducted. City manager Herron said he understands an appraisal should be done, but said Council should decide if it, in fact, wants to be involved with a second fuel tank farm. Council member Phillips said she is in favor of a second fuel tank farm, but does not want to compete with Bethel Native Corporation (BNC). Discussion ensued taking into consideration BNC, construction timeframes and public input.

Council directed City administration to schedule three public hearings beginning at the July 24 Council meeting, conduct an appraisal of Tract 5-C and begin drafting a RFP.

NEW BUSINESS

Item A — Discussion: Taxicab trip sheets

City manager Herron said the intent is not to make people paranoid. He explained the reason for trip sheets in that trip sheets could be helpful in a police investigation and gave an example. He said trip sheets are to assist the community. City manager Herron also commented in response to an e-mail written to Council by Mr. Atchak, dated June 29, 2001, in that cameras are already used 24-hours at the Port dock and ramp.

Council member Drake said in all fairness, trip sheets have been implemented and Council should allow trip sheets to be in place for an extended period of time to give the system a chance. He said if necessary, Council could bring it up at a latter time. He reiterated, let it work into the system and give it a chance.

Council member Pobrislo commended Andrew Steele on how well he handled the e-mail communications with Mr. Atchak.

Council member Notti restated his objection to trip sheets. Discussion briefly ensued.

Item B — Introduction—Ordinance #01-27: Amending Chapter 17 of the BMC in regard to lot line adjustments

Introduced under the consent agenda and set for public hearing July 24, 2001.

Item C — Introduction—Ordinance #01-28: Amending various sections of Chapters 4.14, 4.16 and 5.04 of the BMC regarding administration of the transient lodging business tax; sales tax exemptions and administration; and business license fees

MOVED BY:	Drake	To introduce Ordinance #01-28 and set the public hearing for July 24, 2001
SECONDED BY:	Pobrislo	

Council member Berger asked for clarification on the new section added to 4.14 in regard to transient business tax. The city clerk explained in an effort to make language consistent throughout the sales tax code for clarity and for administration purposes, the language for delinquent operators and accelerated return requirements were changes to the language used for sales tax administration. Discussion briefly ensued. *Council member Drake called the question.*

VOTE ON MOTION	Motion carried by a unanimous voice vote
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Item D — Introduction—Ordinance #01-29: Amending Chapter 4.15 of the BMC to increase the rate of levy of the motor vehicle registration tax

Introduced under the consent agenda and set for public hearing July 24, 2001.

Item E — Introduction—Ordinance #01-30: Amending various sections of Chapters 5.20 and 5.30 of the BMC regarding regulation of taxicabs

MOVED BY:	Drake	To introduce Ordinance #01-30 and set the public hearing for July 24, 2001
SECONDED BY:	Pobrislo	

Council member Notti asked if the taxicab examination is in place and if so, requested that a copy be provided to Council. Discussion briefly ensued. *Council member Berger called the question.*

City manager Herron clarified a parliamentary procedure in regard to "call for the question." He explained that when a member "calls for the question" the chairman/mayor should ignore that because it's not proper. City manager Herron explained the proper procedure is to "call for the previous question," and the mayor should announce a motion has been made and then the motion must pass by a 2/3-majority roll-call vote or unanimous voice vote to stop debate.

VOTE ON MOTION	Motion carried by a unanimous voice vote
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Item F — Resolution #01-23: Accepting a municipal FY02 matching grant for the renovation of City Hall—Grant amount: \$112,278 and local share amount: \$48,119.

MOVED BY:	Drake	To adopt Resolution #01-23
SECONDED BY:	Phillips	

VOTE ON MOTION	Motion carried by a unanimous voice vote
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COUNCIL MEMBER COMMENTS

Council Member Berger gave his condolences to the Jung Family and wished Greg Sergeant a speedy recovery. He also gave an up-date on the frequent outages on KYUK. He said one transmitter has been fixed, but the second transmitter will cost about \$20,000 to fix.

Council Member Pobrislo offered prayers for a speedy recovery for Greg Sergeant. She also congratulated the Parks & Recreation Department for organizing a family 4th of July celebration.

Council Member Drake said his family enjoyed the 4th of July celebration and thanked the Parks & Recreation Department.

Council Member Rodgers gave his condolences to the Jung Family. He said the water in the river is dropping.

Council Member Notti passed a trip sheet around Council and said the police would not be able to use this trip sheet to help with investigations. He said trip sheets are a difficult demand of cab drivers. He wished Greg Sergeant a speedy recovery and gave his condolences to the Jung Family.

Council Member Williams *was not present.*

Council Member Phillips thanked the Parks & Recreation Department for organizing the 4th of July celebration.

EXECUTIVE SESSION

MOVED BY:	Drake	To go into executive session to discuss a financial matter.
SECONDED BY:	Phillips	

(8:35 p.m.)

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

ADJOURNMENT

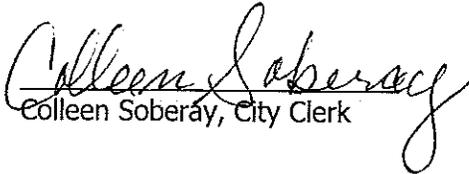
MOVED BY:	Phillips	To adjourn the meeting.
SECONDED BY:	Pobrislo	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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With no further business before the Council, the meeting adjourned at 9:05 p.m.

APPROVED THIS 24th DAY OF JULY 2001.

ATTEST:


Colleen Soberay, City Clerk


Stanley "Tundy" Rodgers, Mayor