

CALL TO ORDER

Mayor Sullivan called the meeting to order at 7.30 pm.

ROLL CALL

Present: Alexie. Bainton. Carpenter. Sullivan
Absent: Aloysius (vacation), Veit

APPROVAL OF MINUTES

M/M by Carpenter. 2nd by Bainton to approve the minutes of the 7/10/85 Council meeting with following change: Roll Call for reconvened 7/10 meeting on 7/12 to reflect that Councilmember Alexie not present and Councilmember Veit present. Voice vote. motion carried.

motion

M/M by Carpenter. 2nd by Bainton to approve the minutes of the 7/17/85 Council meeting as presented. Voice vote. motion carried.

motion

M/M by Alexie. 2nd by Bainton to approve the minutes of the 7/24/85 Council meeting with the following change: Councilmember Aloysius seconded Councilmember Carpenter for acting Mayor. Voice vote. motion carried.

APPROVAL OF AGENDA

M/M by Alexie. 2nd by Bainton to approve the agenda with the following additions:

- a. Unfinished Business:
 - add Item C: Southern Lawsuit
 - add Item D: Malone Property
- b. New Business:
 - add Item F: KTC Management Agreement

motion

Voice vote. motion carried.

MANAGER'S REPORT

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City Manager Stigall reported on the following:

- a. the Capital Improvement Plan hearing schedule (the item will be set for the August 28 Council meeting)
- b. request by Tim Myers to remove logs from small boat harbor using the boat ramp. Council approved the use under specific guidelines
- c. the City capital project legislative list for the upcoming legislative session will be presented to Council on August 28

MAYOR'S REPORT

There was no Mayor's report.

POLICE CHIEF REPORT

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Police Chief Clayton reported on the following:

- a. monthly police report - decrease in major crime
- b. bootlegging and drugs remain a problem
- c. emergency equipment has been purchased - allow Police Department to tie into national system
- d. new protective custody program is working
- e. 3 officers attending academy
- f. river patrol working 40 hours per week
- g. drowning off City dock result of "horseplay"

CORPS OF ENGINEERS
REPORT

CORPS OF ENGINEERS REPORT ON SEAWALL/PETRO PORT

City Manager Stigall reviewed for Council the history of the seawall/petro port erosion problem and introduced to Council Major Jeffrey Stasser, Deputy District Engineer for Civil Works for the Army Corps of Engineers, who reported to Council on Corps of Engineers activities at Bethel regarding the erosion problem. Major Stasser informed Council that the State and regional offices of the Corps were in support of the Bethel project and were advocating for the disbursement of \$250,000 for Bethel at the national level; that a reponse was expected from the national level within 7 to 10 days; that any money received for Corps work would be limited to the petro dock and possibly the seawall but not for general erosion control; that additional money beyond the \$250,000 is unlikely at this time; that the Corps estimate for the protection of the petro dock and possibly a portion of the seawall is \$350,000; that the City would be liable for any cost beyond \$250,000; that the State and regional Corps offices have asked for an expedited process regarding the \$250,000; that the Corps cannot reimburse the City for money spent by the City on the problem.

Mayor Sullivan asked if the City could use the City's matching funds to purchase materials now to help expedite the matter. Major Stasser informed Council that he would have to check the rules to see if such an action would be an allowable expenditure. City Manager Stigall noted that the City match must be up front and requested that Council grant the Administration latitude to act on behalf of Council in utilizing City contingency funds as a source of match by the City.

motion

M/M by Carpenter, 2nd by Alexie to authorize the Administration to place into an escrow account \$100,000 from the City contingency fund as City match for the Corps of Engineers funding to allow the Corps of Engineers to proceed on section 14 work at the petro port/seawall. Poll vote, motion carried.

REPORTS OF STANDING
COMMITTEES

REPORTS OF STANDING COMMITTEES

There were no standing committee reports.

Councilmember Carpenter noted that the Transportation Commission was scheduled to meet Tuesday, August 27 to begin review of the vehicle for hire ordinance.

PEOPLE TO BE HEARD

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Linda Barnes addressed Council concerning the cab fare increase recently approved by Council and requested that Council rescind its action until further study and additional public hearings are held regarding a cab fare increase. Mayor Sullivan noted that the fare increase was approved after public hearings were held on the matter. Councilmember Bainton noted that at those public hearings on the cab fare increase no members of the public came forward to speak against the increase; that any request to change the rates should go before the Transportation Commission. Mayor Sullivan noted that the residents of Bethel need to convince the State legislature to grant shared ride cab systems an exemption from the child seat restraint law. Clark Miller of Checker Cab asked if Council had sent a resolution to Juneau requesting an exemption for shared ride cab systems. Mayor Sullivan, with Council concurrence, placed such a resolution for Council consideration on the next Council agenda.

Councilmember Carpenter noted for Council that Elizabeth David has indicated that she has not been able to obtain satisfaction from the City regarding a drainage problem on her property. City Manager Stigall informed Council that the Public Works Department has visited the site 3 times in the past week and has reported that nothing can be done by the City. Mr. Stigall informed Council that he will continue to seek a solution for the problem.

Steven Constantino requested that the Council packet be made available to the public prior to the Council meeting. Mayor Sullivan suggested that a copy of the packet be available at the library. Councilmember Carpenter recommended that placing the packet at the library be done on a 3 month trial basis. Council directed Administration to have available at the library a copy of the Council packet before each Council meeting.

UNFINISHED BUSINESS

Item A: Amendment
1 to Ordinance 166

AMENDMENT 1 TO ORDINANCE 166 - SEAWALL REGULATIONS

City Manager Stigall reviewed for Council the proposed amendment which adds seawall regulations to the Port Ordinance. Mayor Sullivan opened the public hearing. After receiving questions from the public and suggestions for additional changes to the proposed amendment, Council referred the matter back to Administration and the Port Commission for additional review and recommendations and requested that the amendment be placed on the 8/28 Council agenda.

Item B: Family
Clinic Agreement

FAMILY CLINIC AGREEMENT

City Manager Stigall reviewed for Council the proposed agreement between the City and the Bethel Family Clinic. Kathy Fritz, administrator for the Family Clinic, addressed Council regarding her concerns that the City Administration was, through the agreement, placing restrictions on the clinic that were not intended by Council in approving the loan to the clinic. Councilmember Carpenter noted for Council that it was his understanding that the loan was without strings attached, that Administration was to draft an agreement for approval and to set up a re-payment schedule. Mayor Sullivan noted that any agreement between the City and the Clinic was always subject to the availability of funds. City Manager Stigall noted that the City needs the right to review the expenditure at a future date to ascertain if the City should commit the remainder of funds to the Clinic. Ms. Fritz noted that any increase in revenue derived from the hiring of a second physician was a secondary benefit and should not be made a requirement for the Clinic receiving the entire amount authorized by Council. M/M by Alexie. 2nd by Carpenter to approve the agreement as amended and authorized the payment of an initial payment of \$25,000 to the Family Clinic. Poll vote. motion carried.

motion

Item C: Southern
Lawsuit

SOUTHERN LAWSUIT

City Manager Stigall reviewed for Council the fact that the Southern lease of City land remains in the courts and requested that Council go into executive session to review the matter. M/M by Carpenter. 2nd by Bainton to go into executive session to discuss legal matters affecting the City. Voice vote. motion carried. Council took not action upon return from executive session.

motion

Item D: Malone
Property

MALONE PROPERTY

City Manager Stigall presented to Council a proposed agreement regarding the Malone property. After discussion with the Malone's attorney, Steven Constantino, the City and the Malone's amended the proposed agreement as follows:
sec. 4 - agrees to move or provide funds to move
sec. 5 - add hereunder (house hereunder); delete the word gross from gross negligence
sec. 6 - delete comma after bulkhead
sec. 7 - delete or useful; read temporary and permanent construction and maintenance easements
sec. 8 - shall be recorded
sec.10 - delete if State certifies agreement
Council noted that title to the land could remain with the Malone's. M/M by Carpenter. 2nd by Bainton to approve the Malone agreement as amended. Poll vote. motion carried.

motion

5h144

NEW BUSINESS

RESOLUTION 465 - DAY CARE FUNDING REQUEST

Item A: Resolu-
tion 465
motion

City Manager Stigall reviewed for Council the proposed resolution requesting funding from the State for day care assistance at Bethel. M/M by Alexie. 2nd by Bainton to approve Resolution 465. Voice vote. motion carried.

Item B: Curfew

CURFEW

City Manager Stigall reviewed for Council the present City curfew and suggested that Council may want to amend the ordinance as to curfew hours. Mayor Sullivan noted that the Alcohol Task Force requested that the City modify the curfew ordinance setting 11 pm as the curfew hour for people 18 or younger. The Mayor suggested that in the interim that the City be judicious in enforcing the curfew ordinance and that the modification to the curfew ordinance as recommended by the Alcohol Task Force be set for a public hearing at the August 28 Council meeting. City Manager Stigall recommended that public testimony be accepted at the August 28 Council meeting and that any amendment to the curfew ordinance be introduced at the first meeting in September. Council concurred with the City Manager's recommendation and set the curfew ordinance for public testimony at the next Council meeting.

Item C: Sales
Tax Increase

SALES TAX INCREASE

motion

City Manager Stigall reviewed for Council his request to have the City sales tax increased 1[from 5[to 6[. M/M by Carpenter. 2nd by Alexie that Administration place before the voters at the October election Proposition 1, a proposition to increase the City sales tax from 5[to 6[. Voice vote. motion carried. Mayor Sullivan noted that placing the question of a sales tax increase on the ballot does not reflect Council's support or non-support for the proposition.

Item D: Court
House Lease

COURT HOUSE LEASE

City Manager Stigall reviewed for Council the request by the Court system to occupy the remainder of the present Court/City building by the fall of 1986. The City Manager requested Council's intent as to retaining the Court system as a City tenant and to provide additional space to the Court system. Mayor Sullivan noted that it is in the City's interest to retain the Court system as a City tenant; that the limitations placed on the expenditure of the PATC expansion money has caused a change in plans for the City complex/court house expansion; that the City should be committed to retaining the Court system as a tenant.

Mayor Sullivan suggested that Council adopt, by motion, its commitment to the Court system that the present City office building will be available to the Court system in the fall of 1986.

City Finance Director Donnell suggested that before such a commitment is made that the matter should go before the Finance Committee for review and recommendations concerning any lease rate adjustment. City Manager Stigall asked that Council allow for more flexibility in how the City should allocate space for the Court system.

motion

M/M by Carpenter. 2nd by Bainton stating that the City is committed to working with the Court system to provide the Court system with space necessary for Court offices at the expiration of the current court lease. Voice vote. motion carried.

Item E: Overtime

OVERTIME

City Manager Stigall reviewed for Council the City's overtime policy and requested that the Council go into executive session to review further the City's overtime policy in light of recent Supreme Court action. M/M by Carpenter. 2nd by Bainton to go into executive session concerning potential legal matters affecting the City. Voice vote. motion carried. Council took no action regarding the matter upon return from executive session.

motion

Item F: KTC Agreement

KTC AGREEMENT

The matter was tabled until the August 28 Council meeting.

ADJOURNMENT

M/M by Alexie to adjourn. The meeting adjourned at 11.18 pm.

PASSED AND APPROVED THIS 14th DAY OF AUGUST, 1985.


Joe Sullivan, Mayor

ATTEST:


Wayne J. Maier, City Clerk
5h146