

CITY COUNCIL

Antone Anvil
Dario Notti
Mike O'Brien
Agnes Phillips, Mayor
Stanley Rodgers
Karol Sanchez-Pobrislo
Thor Williams



INTERIM CITY MANAGER
George Young

ACTING CITY CLERK
Laurie Walters

MINUTES
City of Bethel Council Meeting

April 14, 1998

I. CALL TO ORDER

The meeting was convened at 6:17 p.m. by Mayor Phillips at the Log Cabin, Bethel, Alaska.

II. ROLL CALL

Present: Anvil, Notti, O'Brien, Phillips, Rodgers, Sanchez-Pobrislo, Williams
Absent: none
Also present: Interim City Manager George Young, Acting City Clerk Laurie Walters

III. EXECUTIVE SESSION

motion M/M by Notti, 2nd by Williams to go into Executive Session at 6:20 p.m. to interview Kathleen O'Rear by telephone.

vote Voice vote. Motion carried unanimously.

Note: *Council attempted to contact Kathleen O'Rear for 18 minutes without success.*

motion M/M by Williams, 2nd by O'Brien to come out of Executive Session at 6:38 p.m.

vote Voice vote. Motion carried unanimously.

IV. PEOPLE TO BE HEARD

Doreen O'Brien spoke to the Council about the selection of City Manager and stated that she couldn't understand why the Council hadn't been able to come to a decision. Ms. O'Brien made a comparison between someone who needed heart surgery going to a specialist rather than a dentist who was a friend, and the City looking for a City Manager and deciding between a professional and someone who could just do the job.

Janet Athanas, Director of Parks and Recreation, addressed the Council with a request for approval to submit a grant to DCRA, due on Friday, for a Youth Enrichment/Employment Grant.

motion M/M by O'Brien, 2nd by Sanchez-Pobrislo to authorize Janet Athanas to submit the grant to DCRA for the Youth Enrichment/Employment program.

vote Voice vote. Motion carried unanimously.

Dave Trantham expressed his thanks to members of the Council, as a group and individually, for a number of things. Mr. Trantham then asked the Council to look at page 4 of the minutes from March 24 and spoke for several minutes regarding the statement made by Mr. Notti as recorded in the minutes.

V. APPROVAL OF THE MINUTES

Council member O'Brien stated a correction on page 4 of the March 24 minutes, changing "a local citizen" to "Dave Trantham."

motion M/M by Williams, 2nd by Anvil to approve the minutes of the March 24 regular meeting and the minutes from the special meetings on April 6 and April 8, as amended.

vote Voice vote. Motion carried unanimously.

VI. APPROVAL OF AGENDA

CONSENT AGENDA

Mayor Phillips requested that New Business Item C: Resolution #98-12 Endorsing and Authorizing ONC to Apply for a Community Grant Under the Magnuson-Stevens Disaster Grant Program be removed from the consent agenda and placed on the regular agenda as a discussion item only. Council member O'Brien requested that New Business Item E: Resolution #98-14 Showing Appreciation to Operation Arctic Care 1998 be removed from the consent agenda so that it may be read aloud. Council member Williams asked that New Business Item A: Introduction of Ordinance #98-04 Amending the FY-1998 Budget be removed from the consent agenda and placed on the regular agenda.

motion M/M by O'Brien, 2nd by Williams to approve the consent agenda as amended.

vote Voice vote. Motion carried unanimously.

REGULAR AGENDA

motion M/M by O'Brien, 2nd by Sanchez-Pobrislo to approve the regular agenda as amended.

Council member Williams asked that Old Business Item B: Discussion-Dario Notti's Apology be added to the regular agenda.

vote Voice vote on the amendment. Motion carried, 6-yes, 1-no (Notti).

vote Voice vote on the main motion. Motion carried unanimously.

VII. MAYOR'S REPORT

Mayor Phillips thanked those Council members who were able to attend the events while Senator Murkowski was on tour in Bethel, and also thanked the seniors for their participation during the time when the Senate Appropriations Committee staff visited the Senior Center.

Mayor Phillips pointed out the letter from Linda Mueller. Ms. Phillips encouraged those listening to participate in the Permanent Fund Investment forum tonight and tomorrow evening.

VIII. MANAGER'S REPORT

Interim City Manager Young made reference to the department head reports in the packet and the two letters of appreciation. Mr. Young moved on to the action items, requesting the council take the recommended action on the two items.

Gangways-Award

motion M/M by O'Brien, 2nd by Notti to approve the award of the gangways to Mantle Industries in the bid amount of \$19,200.

vote Voice vote. Motion carried unanimously.

Concrete Planks-Award

motion M/M by O'Brien, 2nd by Sanchez-Pobrislo to approve the award of the concrete planks to Concor Construction in the bid amount of \$92,700.

vote Voice vote. Motion carried unanimously.

Hitachi EX700 Update

Mr. Young continued his report to the Council by pointing out the memo from the Purchasing Agent notifying the Council of the status of the Hitachi 700 Excavator. Many questions and much discussion followed.

motion M/M by Williams, 2nd by O'Brien to approve City Administrations issuance of a Request for Proposals for the Trade-In of the Hitachi EX700.

Council member Notti stated that he felt the motion was a waste of time, since it had already been done and as stated by the Acting City Manager, no action would be taken until it came back to Council for their decision. Council member Williams reminded the Council that it is their responsibility to put the wishes of the Council in a motion format.

vote Voice vote. Motion carried, 6-yes, 1-no (Notti).

Stella Evon Case Update

Interim City Manager Young concluded his report to Council with an update on the Stella Evon case and reported that there were several new leads. Council member Rodgers stated that he felt it was appropriate to direct the Interim City Manager to ask for assistance from the State Troopers. Council member Williams reminded the Council that the troopers are short staffed and they turned the City down the last time they were asked for assistance. Council member Sanchez-Pobrislo expressed her concern that if the City didn't ask for help, the City of Bethel would not have tried hard enough to solve the case.

motion M/M by Sanchez-Pobrislo, 2nd by Williams to direct the Interim City Manager to have the Police Department request the assistance of the Alaska State Troopers.

Council member Williams asked to amend the motion by including that it be after all other avenues have been exhausted by the Police Department.

vote Voice vote on the amendment. Motion carried unanimously.

vote Voice vote on the main motion. Motion carried unanimously.

Council member Sanchez-Pobrislo notified the Council and the City Manager that a member of the community had approached her with a complaint. Ms. Sanchez-Pobrislo stated that she had brought with her a packet of papers from the citizen bringing the complaint and asked if she may present them to the Interim City Manager. Mayor Phillips agreed. Ms. Sanchez-Pobrislo asked Mr. Young to take care of the issue and ensure that Ms. Sanchez-Pobrislo would not get anymore calls from this concerned individual.

Council member Williams referred to page 3 of the March 24 minutes directing action on the problem of non-renewed business licenses and an update at the next Council meeting. Interim City Manager Young deferred to Finance Director Stuart Robinson who reported on what methods were being used to curb the problem and the results being seen.

Council member Williams recalled that when the new water trucks were ordered two years ago, the Council had recommended that one of the trucks being decommissioned be converted to a road watering truck. Mr. Williams asked if this was ever done. Interim City Manager Young reported that the new heavy equipment mechanic was working it on. Mr. Young added that the Public Works Department was looking at getting the old Nicholson's water works building pump operational so that raw, untreated water could be used on the roads instead of running into the problem encountered last year when the City's water supply fell drastically because of the watering of the roads.

Council member Williams once again requested the "To Do List" be placed back in the packet and stated the Courthouse Lease issue was still of great concern to him.

Mayor Phillips thanked the Interim City Manager and the Acting City Clerk for all their hard work in their acting capacities, in addition to doing their regular duties.

The Council took a five minute break at 7:45 p.m. Mayor Phillips called the meeting back to order at 7:54 p.m.

IX. REPORTS OF STANDING COMMITTEES

Finance Committee

Mayor Phillips thanked Finance Director Stuart Robinson for getting the minutes done and in the packet. Ms. Phillips reported that at the April 9 meeting, the Finance Committee declared Mr. Zod Osuji's seat vacant.

Mayor Phillips asked if there were other committee and commission vacancies. Council member O'Brien reported two seats vacant on the Public Works Committee. Council member Williams reported two vacancies on the Transportation Commission. Mayor Phillips requested the Acting City Clerk to advertise for the five openings.

Mayor Phillips reported that the Finance Committee had recommended that the Committee be changed to a Commission. Ms. Phillips asked the Acting City Clerk to work with the Finance director to provide more information on why the Finance Committee would want to become a commission. The Finance Committee had also recommended amendments to the sales tax ordinance. Mayor Phillips reported that Mr. Robinson was working to redraft the tax audit letter and that several appointments had already been set up with people who had questions.

Planning Commission

Council member Notti reported that the April 6 Commission meeting was cancelled due to lack of agenda items. The next meeting is scheduled for 7:30 p.m., May 14, City Office Conference Room.

Port Commission

Council member Rodgers reported that the Commission had not met since the last Council meeting. Mr. Rodgers noted that the next meeting is April 20, 7:30 p.m. at the Dock office.

Public Works Committee

Council member O'Brien reported that the next Committee meeting is Tuesday, April 21, 7:30 p.m., at the City shop.

Public Safety Commission & Senior Advisory Board

Council member Anvil reported that because of another special Council meeting he was unable to attend the last Public Safety Commission meeting. Mr. Anvil stated that the Senior Advisory Board met on April 1.

Transportation Commission

Council member Williams reported that the next Commission meeting is April 16.

Youth Services Committee

Council member Sanchez-Pobrislo announced the upcoming events of the Youth Center and Parks & Recreation: the annual lip synch contest, adopt a dumpster contest, and clean-up, green-up. Ms. Sanchez-Pobrislo reported that a public was scheduled for April 20th at the Log Cabin to discuss park equipment for the proposed part on Owl Street. Ms. Sanchez-Pobrislo also stated that the softball fields needed to be fenced, if there were any local contractors willing to help with that. Lastly, Ms. Sanchez-Pobrislo stated that the Youth Services committee was discussing dividing into a Youth Services Committee and a Parks & Recreation Committee.

Council member Williams requested that the rules be suspended so the Council could address the memo from the Acting City Clerk requesting leave.

motion M/M by Williams, 2nd by Sanchez-Pobrislo to approve the Acting City Clerk's leave as requested.

vote Voice vote. Motion carried unanimously.

X. OLD BUSINESS

Item A: City Manager Selection

motion M/M by Williams, 2nd by Sanchez-Pobrislo to go into Executive Session at 8:17 p.m. to discuss the City Manager selection.

- vote** Voice vote. Motion carried unanimously.
- motion** M/M by Williams, 2nd by O'Brien to come out of Executive Session at 9:55 p.m.
- vote** Voice vote. Motion carried unanimously.
- motion** M/M by Rodgers, 2nd by O'Brien to go past 10:00 p.m.
- vote** Voice vote. Motion carried unanimously.

The Council took a five-minute break. Mayor Phillips called the meeting back to order at 10:01 p.m.

motion M/M by Rodgers, 2nd by O'Brien to vote on the selection for City Manager.

Council member Williams stated that he wished to amend the motion and have it read "City Council vote for Robert Herron as City Manager and that the Council offer him the position after negotiations of a contract".

vote Voice vote on amendment. Motion carried unanimously.

vote Voice vote on main motion. Motion carried unanimously.

Discussion followed on how the Council wished to proceed with contract negotiations. Council agreed that it was necessary to take time to decide what they wanted in the contract, since there were a lot of issues that needed to be addressed. The City Council scheduled a work session for 6:30 p.m. on Monday, April 20, to discuss terms of the contract as a Council.

Item B: Dario Notti's Apology

Mr. Notti began by stating that he still felt that factually he was 100% right, and that he was probably hard on a citizens ego, and for that, and only that he apologized.

Discussion followed and Mayor Phillips accepted Mr. Notti's apology to Mr. Trantham.

XI. NEW BUSINESS

Item A: Introduction of Ordinance #98-04 Amending the FY-1998 Budget

Interim City Manager Young pointed out the amended ordinance and explained some of the issues that necessitated the need for this ordinance.

Council member O'Brien thanked City Administration for having found a way to amend the proposed ordinance, so that there was no net effect on the general fund.

motion M/M by Williams, 2nd by O'Brien to introduce the amended version of Ordinance #98-04.

vote Voice vote. Motion carried unanimously.

Discussion followed on the Police Department overtime issue. The Council requested that the following items be placed on the agenda for the next council meeting:

- ◆ Discussion: Changing the Supervision of the Police Chief.
- ◆ Discussion: Changing City Council terms to three years

Item B: Introduction of Ordinance #98-05 Authorizing the Disposal by Lease of an Interest in Real Property in Furtherance of the Development of Local Trade or Industry to General Communication Incorporation, (GCI).

Passed by unanimous consent under approval of the consent agenda.

Item C: Discussion of Resolution #98-12 Endorsing and Authorizing ONC to Apply for a Community Grant under the Magnuson-Stevens Disaster Grant Program.

The Council discussed the benefits of having ONC apply for the grant money, and generally agreed that the water and sewer upgrade project was a good idea. The Council directed the Interim City Manager to work with ONC to come to a resolution on this issue and place it on the agenda for the next meeting.

Item D: Resolution #98-13 Authorizing an Application for the Alaska Conservation Foundation Sustainable Community Development Grant.

Passed by unanimous consent under approval of the consent agenda.

Item E: Resolution #98-14 Showing Appreciation to Operation Arctic Care 1998.

Council member O'Brien read the resolution out loud.

motion M/M by Williams, 2nd by Rodgers to adopt Resolution #98-14.

vote Voice vote. Motion carried unanimously.

Item F: Resolution #98-15 Declaring 26 Bicycles as Surplus, Authorizing the Disposal of Surplus Bicycles to a Non-Profit Organization and Declaring April 25 as Bethel Bike Safety Day.

Passed by unanimous consent under approval of consent agenda.

Item G: Discussion of City Fees

Council member O'Brien referred the Council to the memo in the packet from the Acting City Clerk. Mr. O'Brien began by saying that collective information on fees and penalties is not easily accessible to the citizens of Bethel. Mr. O'Brien stated that he would like to see a basic schedule of fees, an indexing of fees in the code, or a section of the code that listed all the fees, but the fees would still be listed in the appropriate section of the code.

Council member Notti stated that he agreed with the indexing of fees, but not to the extent that any fee schedule or ordinance would lock a department such as the Teen Center into having to come to Council to change the price of their resale items, i.e., a candy bar.

Mayor Phillips suggested that if this project may be something the new City Clerk could work on.

Item H: Report on AML Conference

Council member Williams and O'Brien addressed the rest of the Council on their trip to Juneau and the AML Conference. Mr. Williams and O'Brien reported on the following issues:

- Hard/Soft Beds-Prison Funding
- DEC, Village Safe Water-Grants for water and sewer projects
- Trails, roads, and City's Master Plan-need to give DOT an overview of the City's long term plans
- Senate Bill 337-Mandatory Borough Incorporation-dead till next year
- Senate Bill 36-Public School Funding Formula-not dead, asked a lot of questions
- Subsistence issue-go into special session

XII. COUNCIL MEMBER COMMENTS

Anvil-Offered condolences to the Murphy and Richardson families for their recent losses. Spoke about his problems with his water/sewer services billing with the City.

Notti- Offered condolences to the Murphy, Richardson, McGeary families for their recent losses.

O'Brien- Offered condolences to the Murphy and Richardson families for their recent losses. Thanked the Council for pulling together on the City Manager selection.

Phillips- Offered condolences to the Murphy and Richardson families for their recent losses. As Mayor of Bethel, very proud of the City Council for working together to choose a City Manager.

Rodgers- Offered condolences to the Murphy and Richardson families for their recent losses. Commended the Council for setting aside difference in choosing a City Manager.

Williams- Offered condolences to the Murphy and Richardson families for their recent losses.

XIII. EXECUTIVE SESSION

Interim City Manager Young stated that an Executive Session item regarding City Employee Retirement Issues had been overlooked during the approval of the agenda.

motion M/M by Rodgers, 2nd by O'Brien to go into Executive Session at 11:17 p.m. to discuss BIA Oil Spill/Insurance Issues, City Employee Retirement Issues, and City Clerk Interview-Gaye Vaughn.

vote Voice vote. Motion carried unanimously.

motion M/M by Williams, 2nd by Sanchez-Pobrislo to come out of Executive Session at 12:10 a.m.

vote Voice vote. Motion carried unanimously.

motion M/M by Rodgers, 2nd by O'Brien to directed Interim City Manager Young to proceed with the direction given by the Council, as discussed in Executive Session.

vote Voice vote. Motion carried unanimously.

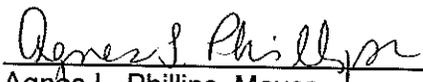
motion M/M by Rodgers, 2nd by O'Brien to vote on the City Clerk selection.

- motion** M/M Williams, 2nd by Rodgers to amend the motion by changing it to "offer the position of City Clerk to Constance Tucker".
- vote** Voice vote on amendment. Motion carried, 6-yes, 1-no (Notti).
- vote** Voice vote on main motion. Motion carried unanimously.

XIV. ADJOURN

- motion** M/M by Williams, 2nd by Rodgers to adjourn the meeting at 12:13 a.m.
- vote** Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 28TH DAY OF APRIL, 1998.



Agnes L. Phillips, Mayor

ATTEST:



Laurie J. Walters, Acting City Clerk