
City of Bethel City Council Meeting Minutes

June 23, 2009

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on June 23, 2009 at 6:30p, in the Council Chambers, Bethel, Alaska.

II. ROLL CALL

Members present:

Mayor Joseph Klejka
Vice-Mayor Eric Middlebrook
Council Member Dan Leinberger
Council Member LaMont Albertson
Council Member Thor Williams
Council Member Beverly Hoffman
Council Member Hugh Dymont

III. PEOPLE TO BE HEARD

Jeremy Westlake

Spoke in opposition to the Bethel Aquatic Training and Health Center due to the lack of funding.

Fritz Charles -

Explained the hardship the City Shop will face once the FY 2010 budget goes into effect July 1, 2009. Staffing issues will become even more burdensome due to funding limitations and employee cuts.

Kate Huckert-

As a physical therapist, spoke in support of the Bethel Aquatic Training and Health Center and the benefits it would provide to all everyone within the community.

Willy Keppel-

Spoke in support of Ordinance 09-14 Exempting City of Bethel Water, Sewer And Solid Waste Services From The Current 6% Sales Tax And Increasing The Rates/Fees Charged For City Of Bethel, Water, Sewer And Solid Waste By A Corresponding 6%.

Questioned when the wind turbines were approved to be used for the purpose of the Bethel Aquatic Training and Health Center.

Dave Trantham-

Thanked the Council for being at the meeting this evening.
Informed the Council the local option petition is being circulated and will be turned in soon, the petitioners are not asking for a Special Election. The purpose of the petition is not about alcohol sales it is about freedom of choice.
On the request for the VA records, the VA is looking into the matter; he will continue to keep the Council informed.
Encouraged the community to keep their dogs tied up.

Terry Perry-

Spoke in favor of the Bethel Aquatic Training and Health Center and the benefits it would provide to the community.

Susan Taylor -

Thanked the Council for recognizing the Veterans and the Women's Auxiliary.
Spoke in favor of the Bethel Aquatic Training and Health Center and invited the community to come to the meetings to hear more about the process.

Sean Glisheen-

Spoke in support of the Bethel Aquatic Training and Health Center. The kids in this region need the pool.

Kamila Dvorakova -

Spoke in favor of the Bethel Aquatic Training and Health Center on behalf of the Tundra Women's Coalition.

Karri Lee Fulton -

Spoke in favor of the Bethel Aquatic Training and Health Center.

Michael Tunley-

Spoke in opposition to the Bethel Aquatic Training and Health Center. It is a good idea however the infrastructure of the City financially is not stable enough for the pool.

Jody Malus –

Urged the Council to go into executive session to discuss the purchasing of BUC as listed on the agenda, it is an important issue.

Andy McGowan

Spoke in opposition to the Bethel Aquatic Training and health Center

Darrel Garrison -

Spoke in favor of the Bethel Aquatic Training and Health Center.

IV. APPROVAL OF THE CONSENT AND REGULAR AGENDA

MOVED:	Middlebrook	Motion to approve the consent and regular agenda.
SECONDED:	Dyment	
MOVED:	Leinberger	Motion to make the Executive Session time certain at 9:30p.
SECONDED:	Dyment	
VOTE ON MOTION	All in favor	
MOVED:	Hoffman	Motion to postpone item H, Review Of Proposed Operating Costs Of the Bethel Aquatic Training And Health Facility; Ord. 07-08 And Ord. 07-10, under New Business until the July 14 th , 2009 Council meeting.
SECONDED:	Albertson	
MOVED:	Middlebrook	Motion to amend the amendment, to insert item G under Unfinished Business, Direct The City Manager To Pursue Grants/Funding For The Bethel Aquatic Health And Training Center, and item C under New Business, Resolution 09-29: Approval Of Architects Alaska To Proceed With Task #3: Design Development (65%) As Specified In Contract Number BET –AA-001-08.
SECONDED:	Williams	
MOVED:	Albertson	Motion to call the question on the secondary amendment and the primary amendment.
SECONDED:	Hoffman	
VOTE ON MOTION	6-1 Motion passes, Williams opposed	
VOTE ON MOTION	5-2 Motion passes Dyment and Williams opposed	
VOTE ON MOTION	6-1 Motion passes, Albertson opposes	
MOVED:	Middlebrook	Motion to establish a ten minute time limit for the Special Order of Business item A, Presentation From The United states Census Bureau.
SECONDED:	Leinberger	

VOTE ON MOTION	5-2 Motion passes, Williams and Dyment opposed
VOTE ON MAIN MOTION	All in favor

V. SPECIAL ORDER OF BUSINESS

Item A - Presentation From The United states Census Bureau.

VI. APPROVAL OF THE MEETING MINTUES

Item A – 6/4/2009 Special Council Meeting
Passed on the consent agenda.

Item B – 6/9/2009 Regular Council Meeting
Passed on the consent agenda.

VII. UNFINISHED BUSINESS

Item A – AM 09-14: City Manager Personal Situations [the motion to approve AM 09-14 was divided at the June 9th Council meeting, the motion on the floor at adjournment of the June 9th, 2009 meeting: "Motion to approve the City Manager's use of the vehicle purchased by the Port of Bethel"].

MOVED:	Albertson	Motion to approve the City Manger's use of the vehicle purchased by the Port of Bethel.
SECONDED:	Hoffman	
VOTE ON MAIN MOTION	6-1 Motion passes, Williams opposed	

Item B - Public Hearing Of Ordinance 09-08: An Ordinance Established To Create An Advisory Committee To The City Council For The Proposed Bethel Aquatic Training And Health Center.

*Mayor Klejka opened the public hearing.
No one wished to be heard.*

MOVED:	Hoffman	Motion to adopt Ord. 09-08.
SECONDED:	Middlebrook	
MOVED:	Middlebrook	Motion to overrule the decision of the

SECONDED:	Williams	chair.
VOTE ON MAIN MOTION	4-3 Motion passes, Albertson, Hoffman and Klejka opposed	
MOVED:	Leinberger	Motion to table the adoption of Ord. 09-08 until the July 14 th Regular Meeting.
SECONDED:	Williams	
VOTE ON MAIN MOTION	3-4 Motion fails, Dymment, Leinberger and Williams in favor	
MOVED:	Leinberger	Motion to add a second public hearing for July 14 th .
SECONDED:	Williams	
VOTE ON MOTION	All in favor	

Item C –Public Hearing Of Ordinance 08-10 (k): An Ordinance Of The Bethel City Council Amending The Adopted Annual FY 2008 – 2009 Budget.

*Mayor Klejka opened the public hearing.
No one wished to be heard.*

MOVED:	Leinberger	Motion to adopt Ord. 08-10 (k).
SECONDED:	Dymment	
MOVED:	Leinberger	Motion to suspend the rules to hear from the Finance Director, Laurie Walters.
SECONDED:	Hoffman	
VOTE ON MOTION	All in favor	
MOVED:	Williams	Motion to approve the amendment to 08-10 (k) provided by the Finance Director.
SECONDED:	Dymment	
VOTE ON MOTION	All in favor	
MOVED:	Williams	Motion to amend the main motion to remove line item 56-40-408 Cash Contribution-ONC Grants.
SECONDED:	Leinberger	
VOTE ON MOTION	6-1 Motion fails, Williams in favor	
VOTE ON MAIN	All in favor	

MOTION	
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Item D - Introduction Of Ordinance 09-12: An Ordinance Banning The Use Of Non-Biodegradable Plastic Carry-Out Bags And Polystyrene Take-Out Containers At Point Of Sale By Retail Establishments In The City Of Bethel.

Council Member Leinberger declared a conflict of interest.

Mayor Klejka ruled in favor of the conflict of interest.

MOVED:	Hoffman	Motion to introduce Ord. 09-12.
SECONDED:	Middlebrook	
MOVED:	Middlebrook	Motion to amend to insert under Section 5, the Effective Date; After the passage of the majority vote of the voters at the October 6 th , 2009 Regular Election.
SECONDED:	Williams	
VOTE ON MOTION	4-2 Motion fails, Middlebrook and Williams in favor, Council Member Leinberger abstain	
VOTE ON MAIN MOTION	All in favor, Council Member Leinberger abstain	

Item E - Introduction Of Ordinance 09-13: An Ordinance Amending Chapters 13.04.260, 13.08.210, 13.12.070, 13.04.120. And 13.08.190, Water, Sewer And Solid Waste Collection Billing.

MOVED:	Middlebrook	Motion to introduce Ord. 09-13.
SECONDED:	Williams	
MOVED:	Albertson	Motion to call for the question.
SECONDED:	Hoffman	
VOTE ON MAIN MOTION	6-1 Motion passes, Williams opposed	
VOTE ON MAIN MOTION	All in favor	

Item F - Introduction Of Ordinance 09-14: Exempting City of Bethel Water, Sewer And Solid Waste Services From The Current 6% Sales Tax And Increasing The Rates/Fees Charged For City Of Bethel Water, Sewer And Solid Waste Services By A Corresponding 6%.

MOVED:	Hoffman	Motion to introduce Ord. 09-14.
SECONDED:	Middlebrook	
MOVED:	Williams	Motion to send to the Finance Committee for review.
SECONDED:	Leinberger	
VOTE ON MAIN MOTION	6-1 Motion passes, Middlebrook opposed	
MOVED:	Leinberger	Motion to table the public hearing of Ord. 09-14, until the August 11 th Regular Council Meeting.
SECONDED:	Albertson	
VOTE ON MAIN MOTION	5-2 Motion passes, Middlebrook and Klejka opposed	
VOTE ON MAIN MOTION	All in favor	

Item G - Review Timeline Previously Established To Hire A Temporary City Clerk.

MOVED:	Williams	Motion to keep the previously established timeline.
SECONDED:	Leinberger	
MOVED:	Leinberger	Motion to amend the main motion to extend the application filling date until July 7 th .
SECONDED:	Hoffman	
VOTE ON MOTION	All in favor	
MOVED:	Leinberger	Motion to amend the main motion to have a special meeting July 10 th at 12:00p, to review applications and determining interviewees.
SECONDED:	Middlebrook	
VOTE ON MOTION	All in favor	
VOTE ON MAIN MOTION	All in favor	
MOVED:	Leinberger	Motion to suspend the rules, to move item K, under New Business, to the next item on the agenda.
SECONDED:	Williams	

MOVED:	Williams	Motion to amend, to address item I under New Business, after item K.
SECONDED:	Leinberger	
VOTE ON MOTION	5-2 Motion passes, Hoffman and Dymont opposed	
VOTE ON MAIN MOTION	All in favor	

MOVED:	Leinberger	Motion to extend the meeting until 11:00p.
SECONDED:	Middlebrook	
VOTE ON MAIN MOTION	All in favor	

VIII. EXECUTIVE SESSION

Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity-The City's Legal Recourses Are Not To Be Limited Or Quantified Up To And Including The Take Over Of Bethel Utilities Corporation Through "Eminent Domain".

MOVED:	Williams	Go into executive session for Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity-The City's Legal Recourses Are Not To Be Limited Or Quantified Up To And Including The Take Over Of Bethel Utilities Corporation Through "Eminent Domain".
SECONDED:	Leinberger	
VOTE ON MAIN MOTION	6-1 Motion passes, Albertson opposed	

The Council entered into Executive Session at 9:30p.

The Council exited Executive Session at 10:08p.

NEW BUSINESS

Item K - Reclassification Of The Acting City Clerk's Position From Part-time To Full-time.

MOVED:	Williams	Motion to combine 10-52- CC2 with the
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SECONDED:	Dyment	Temporary Acting City Clerk.
MOVED:	Leinberger	Motion to amend the motion to direct the City Clerk to come up with a budget modification that reflects the change, for the next City Council Meeting.
SECONDED:	Williams	
VOTE ON MOTION	All in favor	
VOTE ON MAIN MOTION	All in favor	

NEW BUSINESS

Item I- Personal Leave Request For The City Clerk July 9th and 10th
(Mayor Klejka)

MOVED:	Middlebrook	Motion to approve the personal leave for the City Clerk July 9 th and July 10 th .
SECONDED:	Williams	
VOTE ON MAIN MOTION	All in favor	

MOVED:	Williams	Motion to suspend the rules, to move to item N, under Unfinished Business to the next item on the agenda.
SECONDED:	Middlebrook	
VOTE ON MAIN MOTION	All in favor	

UNFINISHED BUSINESS

Item N- IM 09-08: Update Regarding Insurance Quotes for FY2010.

MOVED:	Middlebrook	Motion to suspend the rules to hear from the Assistant Finance Director, Ryan Cope on this issue.
SECONDED:	Williams	
VOTE ON MAIN MOTION	All in favor	

MOVED:	Leinberger	Motion to direct the City Manager to make the decision on the best insurance policy of the rates and coverage.
SECONDED:	Hoffman	

MOVED:	Middlebrook	Motion to amend the main motion, to hold a Special Council Meeting Monday June 29 th , at 12:00p, to review the insurance quotes. If there is not a quorum at that meeting the decision will default to the City Manager.
SECONDED:	Williams	
VOTE ON MOTION	4-3 Motion passes, Klejka, Hoffman and Albertson opposed	
VOTE ON MAIN MOTION	All in favor	

MOVED:	Leinberger	Motion to suspend the rules, to take move items O, P, S under Unfinished Business, to the next items of business.
SECONDED:	Dyment	
MOVED:	Williams	Motion to amend the main motion, to insert item I, as the first item to review.
SECONDED:	Leinberger	
VOTE ON MOTION	All in favor.	
VOTE ON MAIN MOTION	All in favor	

Item I -Update On Ridgcrest Road From Bethel Heights Water Treatment Plant To Public Works Building.

MOVED:	Leinberger	Motion to suspend the rules to hear from the Planning Director, Dan Shae and the Acting Public Works Director, Chuck Willert.
SECONDED:	Williams	
VOTE ON MAIN MOTION	All in favor	

MOVED:	Williams	Motion to follow the STIP program.
SECONDED:	Middlebrook	
VOTE ON MAIN MOTION	6-1 Motion passes, Williams opposed	

MOVED:	Middlebrook	Motion to extend the meeting past 11:00p.
SECONDED:	Leinberger	

VOTE ON MAIN MOTION	6-1 Motion passes, Hoffman opposed
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Item O- Council Member Travel Authorization To The Alaska Municipal League Summer Policy Meeting.

MOVED:	Leinberger	Motion to approve travel authorization for Council Member Williams.
SECONDED:	Dyment	
VOTE ON MAIN MOTION	All in favor	

Item P -Mayor's Appointment Of Council Member To Committees And Commissions (Mayor Klejka)

Major Klejka appointed Council Member Dyment to the Planning Commission.

MOVED:	Middlebrook	Motion to approve the appointment of Council Member Dyment to the Planning Commission.
SECONDED:	Albertson	
VOTE ON MAIN MOTION	All in favor	

Item S - Transfer Of The Senior Center Building And Lease Of Senior Center Versus Property Disposal.

MOVED:	Williams	Motion to table this discussion until the July 14 th Meeting.
SECONDED:	Dyment	
VOTE ON MAIN MOTION	6-1 Motion passes, Leinberger opposed.	

Item J - Equipment Belonging To The Port Of Bethel Bought With Port Funds, Port Commission Recommendation.

MOVED:	Williams	Motion to direct the City Manager to return all the property owned by the Port of Bethel to the Port of Bethel.
SECONDED:	Middlebrook	

MOVED:	Williams	Motion to suspend the rules to hear from the Port Director, Pete Williams.
SECONDED:	Middlebrook	
VOTE ON MAIN MOTION	All in favor	
VOTE ON MAIN MOTION	6-1 Motion fails, Williams opposed	

MOVED:	Williams	Motion to remove item K, from the agenda.
SECONDED:	Leinberger	
VOTE ON MAIN MOTION	All in favor	

Item L- Seawall Maintenance Fund, Port Commission Recommendation.

MOVED:	Williams	Motion to approve the Seawall Maintenance Fund (SMF) be put into an interest bearing account separate from the City of Bethel's Central Treasury and that the interest from this fund be designated to the Small Boat Harbor Maintenance Fund and that no transfer from the SMF (designated funds) can take place without the Bethel City Council's approval. The Port Commission recommends that the City Attorney writes an ordinance to this effect and in the ordinance that the Port Commission to be informed of all decisions concerning the SMF.
SECONDED:	Dyment	
MOVED:	Leinberger	Motion to amend the main motion, to fund the account with 1.2 million dollars.
SECONDED:	Dyment	
VOTE ON MOTION	5-2 Motion fails, Leinberger and Dyment in favor	
MOVED:	Dyment	Motion to amend to strike everything except for the final sentence and the "Port Commission Recommends".
SECONDED:	Leinberger	
VOTE ON MOTION	6-1 Motion passes, Middlebrook opposed	

VOTE ON MAIN MOTION	6-1 Motion passes, Middlebrook opposed
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Item M- Improper Sewer Rate Increases Imposed On Members Of The Community And Possible Corrections.

Item Q -Procedure For Reviewing Administrative Committees During A Council Meeting.

MOVED:	Middlebrook	Motion to direct the City Manager to include the administrative committee minutes in his City Manager's Report.
SECONDED:	Leinberger	
VOTE ON MAIN MOTION	All in favor	

Item R - Direction From City Council To The City Administration Regarding Individual Direction To Department Heads And City Employees.

MOVED:	Williams	Motion to have all direction from City Council Members to City Employees go through the City Manager.
SECONDED:	Dyment	
VOTE ON MAIN MOTION	6-1 Motion passes, Middlebrook opposed	

Item T - The City's Options To Bethel Utilities Corporation's Non-Responsiveness To The Letters Sent To Them Regarding Wind Energy.

MOVED:	Leinberger	Motion to have the Mayor draft a letter to TDX to inquire about their position with the purchase of BUC.
SECONDED:	Dyment	
VOTE ON MAIN MOTION	All in favor	

MOVED:	Williams	Direct the administration to go back to BUC to find out how we can get wind energy through their company.
SECONDED:	Dyment	
VOTE ON MAIN MOTION	All in favor	

IX. NEW BUSINESS

Item A – Resolution 09-27: Support For The Preparation And Submission Of FFY 2011 Municipal Harbor Facility Grant.

Passed on the consent agenda.

Item B - Resolution 09-28: A Resolution Supporting The Preparation And Submission Of An FFY 2009 State Homeland Security Grant Application To Benefit The Police, Fire And Port Departments.

Passed on the consent agenda.

Item D -Introduction Of Ordinance 09-15: An Ordinance Amending 5.20.060 A. Of The Bethel Municipal Code Removing Dispatch Service From Required Fees.

Passed on the consent agenda.

Item E - Introduction Of Ordinance 09-16: Amending Limousine Permit Requirements.

Passed on the consent agenda.

Item F -Introduction Of Ordinance 09-17: Amending Section 5.04.050 Of the Bethel Municipal Code, To Amend The Additional Fees For Games Of Skill And Chance.

Passed on the consent agenda.

Item G - AM 09-17: Authorizing The Purchase Of Pumps Necessary For The QFC #2 Lift Station And Force Main Improvements Capital Project.

MOVED:	Leinberger	Motion to approve AM 09-17.
SECONDED:	Hoffman	
VOTE ON MAIN MOTION	All in favor	

MOVED:	Middlebrook	Motion to extend the meeting past 12:00.
SECONDED:	Williams	

MOVED:	Hoffman	Motion to amend the main motion to extend the meeting until 12:10.
SECONDED:	Middlebrook	
VOTE ON MOTION	All in favor	
VOTE ON MAIN MOTION	All in favor	

Item J - Recommendation From The Planning Commission, A Six Month "Moratorium" From July 01, 2009 To December 31, 2009 To Revise Its Zoning Code, subdivision Of Land And Land Use Regulation (BMC) And To Start Updating Comprehensive Master Plan To Be Consistent With The Needs And Concerns Of The City, Its Residents, And Surrounding.

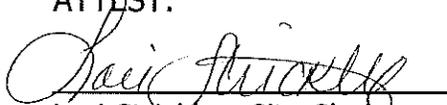
MOVED:	Hoffman	Motion to approve the recommendation for the Planning Commission.
SECONDED:	Williams	
VOTE ON MAIN MOTION	1-6 Motion fails, Williams in favor	

MOVED:	Williams	Motion to adjourn.
SECONDED:	Dyment	
VOTE ON MAIN MOTION	All in favor	

X. ADJOURNMENT



 Joseph Klejka, Mayor

ATTEST:


 Lori Strickler, City Clerk