
City of Bethel, Alaska

City Council Minutes

March 22, 2005

Regular Meeting

Bethel, Alaska

CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on April 12, 2005, at 6:30p, in the Council Chambers, Bethel, Alaska.

Mayor Dyment called the meeting to order at 6:30 p.m.

ROLL CALL

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

Andy McGowan	Dave Trantham
R. Thor Williams	Hugh Dyment
Stanley "Tundy" Rodgers	Yolanda Jorgensen
Dan Leinberger	

Also in attendance were the following:

Laurie Walters, Acting City Manager
Sandra Modigh, City Clerk

PEOPLE TO BE HEARD

1. Marty Stevens from the Parks & Recreation Committee requested Council to leave the Bowling Lease as is; he doesn't think a bingo hall is appropriate.
2. Paul O'Brien urged City Council to support the upcoming Master Water and Sewage Plan. Mr. O'Brien also urged Council to direct management to hire employees necessary to follow through with upcoming projects.

Council and Administration discussed the Water & Sewer phase three status.

3. Carol Ann Willard addressed Council requesting a donation toward the upcoming Cama-i Festival.

4. Dario Notti addressed Council stating he's against Senate Bill 40 but not against the idea of The Port Authority.

Council Member Trantham explained to Council that Senate Bill 40 is on a Legislative hold.

Council Member Williams stated he apologized to the Port Commissions for "his vigor and his language used in front of the Senate Transportation Committee".

APPROVAL OF MINUTES

- *3-08-05 Regular Meeting Minutes
- *3-10-05 Special Meeting Minutes
- *3-14-05 Special Meeting Minutes

Meeting Minutes passed as amended on the Consent Agenda

APPROVAL OF THE CONSENT AGENDA AND REGUALR AGENDA

MOVED BY:	Rodgers	To approve the Consent and Regular Agenda.
SECONDED BY:	Leinberger	

VOTE ON MOTION	Motion passed by unanimous consent.
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MOVED BY:	Leinberger	Move to suspend the rules to change the order of business to address Unfinished and New Business prior to Reports.
SECONDED BY:	Jorgensen	

Council debated the motion to change the order of business.

VOTE ON MOTION	Motion passed by a roll call vote of 4-3 (no-Williams, Rodgers, and Trantham)
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UNFINISHED BUSINESS

Item B- Public Hearing of Ordinance #05-05: An Ordinance amending Section 2.04.050 (A) of the Bethel Municipal Code relating to the Order of Business Conducted at the City Council Regular Meetings.
Public Hearing

None

MOVED BY:	Leinberger	To adopt Ordinance #05-05 as amended: An Ordinance amending Section 2.04.050 (A) of the Bethel Municipal Code relating to the Order of Business Conducted at the City Council Regular Meetings.
SECONDED BY:	Jorgensen	

Council discussion regarding the motion on the table.

MOVED BY:	Williams	To amend Ordinance #05-05 to delete the Management Teams Reports and move the Reports of Standing Committees between Approval of the Minutes and Unfinished Business.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion passed unanimously by a roll call vote.
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MOVED BY:	Leinberger	To amend Ordinance #05-05 to move Reports of Standing Committees back to its original place in the order of business.
SECONDED BY:	Jorgensen	

VOTE ON MOTION	Motion failed by a roll call vote of 5-2 (yes-Leinberger and Jorgensen)
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VOTE ON MOTION	Motion passed 4-3 (no-Williams, Rodgers, and Trantham)
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Item B- Public Hearing of Ordinance #04-09 (C): An Ordinance of the Bethel City Council amending the Adopted Annual FY 2004-2005 Budget for Capital and Project Expenditures.

Public Hearing:

1. Mike O'Brian stated to Council he understands the need for the budget amendment to purchase gravel, but he doesn't understand where the funds would be coming from to purchase the gravel.

MOVED BY:	Rodgers	To adopt Ordinance #04-09 (C) as amended: An Ordinance of the Bethel City Council amending the Adopted Annual FY 2004-2005 Budget for Capital and Project Expenditures.
SECONDED BY:	Leinberger	

Council Member Trantham requested the results from Administration (directed at the previous meeting to review the current FY05 budget to see if \$250,000 could be found for the gravel expenditures).

Administration reviewed the budget; found \$154,000 from vacant salaries/overtime.

Council stood at ease while the City Clerk made copies of the financial report requested.

MOVED BY:	Williams	To direct Administration to show unused salaries/overtime on this Ordinance as line item budget modifications and postpone the Ordinance #04-09 (C) public hearing until the 4-12-05 Council Meeting.
SECONDED BY:	Leinberger	

VOTE ON MOTION	Motion passed by a roll call vote of 4-3 (no-Rodgers, McGowan, and Leinberger).
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MOVED BY:	Williams	To amend Ordinance #04-09 (C) to include \$50,000 to the Port Enterprise Funds to purchase Port Finger Floats.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion passed by a unanimous roll call vote.
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MOVED BY:	Williams	To amend Ordinance #04-09 (C) to include \$12,000 for the Police Departments new phone system.
SECONDED BY:	Leinberger	

VOTE ON MOTION	Motion passed unanimously by a roll call vote.
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MOVED BY:	Rodgers	To suspend the rules to allow public testimony on the Police Departments request for a new phone system.
SECONDED BY:	Williams	

VOTE ON MOTION	Motion passed with Council concurrence.
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Donald Spencer (owner of Spencer telecommunications) spoke on behalf of the PD phone request.

VOTE ON MOTION	<i>Ordinance #04-09 (C) as amended postponed until the 4-12-05 Council Meeting.</i>
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Meeting recessed from 8 p.m. until 8:12 p.m.

Item C-Public Hearing of Ordinance #05-06: An Ordinance authorizing the consent of the City to an assignment of a lease from Omni Enterprises Inc. to Bethel Marina Inc. and approval of the lease rent amount.

Public Hearing:

None

MOVED BY:	Rodgers	To adopt Ordinance #05-06: An Ordinance authorizing the consent of the City to an assignment of a lease from Omni Enterprises Inc. to Bethel Marina Inc. and approval of the lease rent amount.
SECONDED BY:	Leinberger	

Administration recommends Council does not change the monthly

VOTE ON MOTION	Motion passed unanimously by a roll call vote of 7-0.
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Item D- Public Hearing of Ordinance #05-07: An Ordinance authorizing a lease of City owned Real Property to Involved Parents Pre-School Inc. to operate the Little Red School House, a necessary public service.

Public Hearing:

1. Rhonda Sargent informed Council that IPP (Involved Parents Pre-School) has been pre-approved for a bank loan. Rhonda reiterated the IPP staff is made up of parents and community volunteers.
2. Martin Leonard reminded Council that they're a volunteer organization that has very little assets, budgeting on a year to year basis. Mr. Leonard quoted and inquired about sections of the lease agreement. Stated that IPP is not looking for a free ride, but would not like to have the IPP board take responsibility of previous tenants.
3. Ben Bruce stated that he hopes Council views IPP inquiries of the lease as strength in the IPP board.
4. Pam Conrad reminded Council that IPP is bound for the future and wants this agreement to work out for both parties.

MOVED BY:	Williams	Motion to postpone Ordinance #05-07 until the 1 st Council Meeting in May to allow IPP to meet with Administration to negotiate the lease offered by the City; to lower the rent to \$100 monthly.
SECONDED BY:	Jorgensen	

MOVED BY:	Leinberger	To suspend the rules to allow Mr. Kehoe to address Council.
SECONDED BY:	McGowan	

VOTE ON MOTION	Motion passed Council concurrence.
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Mr. Kehoe addressed Council and stated the urgency of having IPP and Council coming to an agreement on a lease ASAP.

Council Member discussed their options and the time frame to complete the lease agreement.

MOVED BY:	Leinberger	To amend the motion to change the postponement of Ordinance #05-07 to the next Council Meeting, 4-12-05.
SECONDED BY:	Jorgensen	

VOTE ON MOTION	Motion passed by a roll call vote of 6-1 (no- Rodgers)
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VOTE ON MOTION	Motion as amended passed by a roll call vote of 5-2 (no-Rodgers and Trantham)
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Ordinance #05-07 postponed until the 1st April meeting

NEW BUSINESS

Item A-A discussion of past practices that resulted in legal opinions regarding Council Members' actions.

Council Member Trantham requested approval to declassify attorney billings, legal opinions, and email correspondence into the record.

MOVED BY:	Leinberger	Motion to allow declassification of the documents requested: 161 email correspondence, attorney billings, and attorney opinions; having the information added to the minutes without being read into the record.
SECONDED BY:	Williams	

VOTE ON MOTION	Motion failed by a unanimous roll call vote.
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Item B- A discussion of the 95% Water & Sewer Plan (Council Member Leinberger)

Council and Administration discussed the 95% Water & Sewer Plan.

City Manager Herron informed Council and the public the time line on the Master Water and Sewer Plan and the upcoming meetings that can be attended to speak on behalf of the Plan.

Council Member Leinberger spoke on behalf of the 95% Water & Sewer Plan.

Council debate continued.

Meeting recessed from 9:27p until 9:37p

MOVED BY:	Williams	To suspend the rules to allow Jeff Sanders to speak on behalf of a Public Works Recommendation to accept the 95% Master Water & Sewer Plan.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion passed by unanimous Council concurrence.
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Jeff Sanders addressed Council on behalf of the Public Works recommendation.

Item C- *Resolution #05-10: A Resolution Approving the Preparation and Submission of a Full Application for Funding Assistance from the FY04 Land and Water Conservation Fund Grant Program to Support the Pinky's Park Upgrade 2005 Project.

Item C-Resolution #05-10 passed under the consent agenda.

MAYOR'S REPORT

- Senate Bill 112: Tax on REAA Residents
- Senator Lyman Hoffman Memorandum
- First Lady's Volunteer Award Nomination News Release
- Napakiak Petition
- Thanked Council Members for traveling to Juneau to lobby

Council Member Trantham inquired about the difference between the common carrier tax exemption and the tax exemption requested by Napakiak.

Council Member Leinberger volunteered to follow up and provide information to Council regarding the Petition provided to Council by the Napakiak Village.

MOVED BY:	Rodgers	To allow Napakiak the 5% tax exemption.
SECONDED BY:	Williams	

MOVED BY:	Leinberger	To suspend the rules to proceed past 10 p.m.
SECONDED BY:	Williams	

VOTE ON MOTION	Motion failed by a roll call vote of 4-2 (yes-Williams and Leinberger)
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VOTE ON MOTION	
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Meeting Adjourned at 10:01 p.m.

MANAGER'S REPORT

CLERK'S REPORT

MANAGEMENT TEAM'S REPORTS

REPORTS OF STANDING COMMITTEES

Parks and Recreation Committee (Council Member Jorgensen)

Public Works Committee (Council Member Leinberger)

Finance Committee (Council Member McGowan)

Public Safety and Transportation Commission (Mayor Dymant)

Senior Advisory Board (Council Member Trantham)

Planning Commission (Council Member Rodgers)

Port Commission (Council Member Williams)

COUNCIL MEMBER COMMENTS

Council Member Trantham-

Council Member Jorgensen-

Council Member McGowan-

Council Member Rodgers-

Council Member Williams-

Council Member Leinberger-

Mayor Dymant-

ADJOURNMENT

MOVED BY:		
SECONDED BY:		

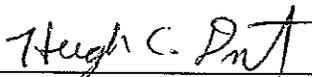
VOTE ON MOTION	
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Adjournment

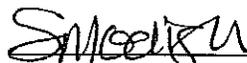
With no further business before the Council, the meeting adjourned at 10:01 p.m.

APPROVED THIS 12th DAY OF APRIL, 2005.

ATTEST:



Hugh Dymant, Mayor



Sandra Modigh, City Clerk