

CITY COUNCIL

*Donna Chris
Kent Harding
Buford McComas
Tad Miller
Joanne Swanson
Don Tubbs
Allan Wintersteen, Mayor*



CITY MANAGER
William Hunter

CITY CLERK
Connie Tucker

City of Bethel
Regular Council Meeting Minutes
August 8, 1995

I CALL TO ORDER

The meeting was convened at 7:45 p.m. by Mayor Wintersteen in the Log Cabin, Bethel, Alaska.

II ROLL CALL

Present: McComas, Miller, Swanson, Wintersteen

Absent: Chris (excused), Harding (excused), Tubbs (excused)

III PEOPLE TO BE HEARD

Eric Shrum, Finance Committee Chair, informed Council that he would be leaving Bethel September 30, 1995, and would therefore resign as Chairman of the Finance Committee. Mr. Shrum thanked the Mayor, Council and citizens of Bethel for allowing him to serve on the Committee. Mr. Shrum wished the Council good luck in the hard choices it would be faced with in the future.

Mayor Wintersteen thanked Mr. Shrum for his service to the City on the Finance Committee and for his positive contribution to Bethel as Director of the Chamber of Commerce. Mayor Wintersteen also introduced Audrey Young, who was visiting with Mr. Shrum and observing the Council meeting.

IV. APPROVAL OF MINUTES

motion M/M by Miller, 2nd by McComas to approve the minutes of the August 1, 1995, regular meeting and August 4, 1995, special meeting as presented. Voice vote. Motion carried unanimously.

V. APPROVAL OF AGENDA AND CONSENT AGENDA

motion M/M by Miller, 2nd by Swanson to amend the agenda by deleting New Business Item A: Discussion Item--Public Works Committee Presentation, adding Executive Session Item C: City Manager Search and Executive Session Item D: Riparian Rights Discussion. Voice vote. Motion carried unanimously.

motion M/M by Miller, 2nd by Swanson to approve the agenda as amended. Voice vote. Motion carried unanimously.

VI. MAYOR'S REPORT

Mayor Wintersteen reminded the community of the ad-hoc cemetery committee informational meeting on August 9, 1995, at 7:00 p.m. at the Log Cabin.

Mayor Wintersteen also reminded Council members to turn in the City Clerk evaluations.

Mayor Wintersteen then referred Council to the memo from the City Clerk regarding the Council attendance for the months of April through July, 1995, and pointed out that the Council held 22 meetings in that time period, with no member close to the vacancy limits.

Mayor Wintersteen referred Council to his written report. Council member Miller asked that the City Manager include a request on the AHFC comment form that AHFC seed around its homes to help control the dust problem.

VII. MANAGER'S REPORT

City Manager Hunter referred Council to his written report and requested direction on the following items:

1. Utility Easements Across City Property

City Manager Hunter requested Council refer this matter to the Planning Commission and Public Works Committee for their recommendations.

motion M/M by Miller, 2nd by Swanson to refer the matter to the Planning Commission and Public Works Committee for recommendation. Voice vote. Motion carried unanimously.

2. Request to Purchase Old Library

City Manager Hunter referred Council to the request to use the old library as a place of business and requested Council direction.

motion M/M by Miller, 2nd by McComas to dispose of the old library building with the condition that it be moved. Voice vote. Motion carried unanimously.

3. Report on Hazardous Materials Site Cleanup

City Manager Hunter distributed further information on the estimated costs for the cleanup of the site and requested Council authorization to pursue contracting options.

motion M/M by Miller, 2nd by Swanson to direct the City Manager to return to Council with a cost for contracting out the cleanup of the site, using City employees and resources if possible, and provide recommendations for the source of financing the cleanup. Voice vote. Motion carried unanimously.

Informational Items/Discussion/Questions on City Manager's Report

City Manager Hunter referred Council to the summary in his report of the meeting with the Corps of Engineers and the Department of Transportation regarding the bank stabilization project and the Mission Road erosion area. Mr. Hunter then asked Clyde Wilkerson, Corps of Engineers to speak. Mr. Wilkerson spoke to the meeting summary and added that the City would need to schedule periodic maintenance of the seawall once the project is completed. Mr. Wilkerson stated that they were still filling sandbags and hauling rock for the breakwater at the Mission Road erosion area, and that they should finish by freeze-up. Mr. Wilkerson added that the sandbags were building up the toe and beginning to insulate the permafrost and halt the erosion; however, Mr. Wilkerson pointed out that some erosion was still occurring in areas where no sandbags had been placed. Mr. Wilkerson also stated that the City Dock face appeared to be stabilized until the start of the project next year.

Council member McComas asked Mr. Wilkerson if the Corps was addressing a long-term solution to diverting or stemming the current out of Steamboat Slough, which Mr. McComas thought was the cause of the problem. Mr. Wilkerson responded that this was not addressed at this time. Council member Swanson asked if the seawall was creating its own problem by deepening the current in front of the seawall. Mr. Wilkerson replied that the current would deepen, and that was the reason the City would need to provide continued maintenance for the Seawall. Mr. Wilkerson then introduced Lisa Appleby, Corps of Engineers, who would be replacing him on site.

Council member Miller asked the City Manager to provide estimates for VHF equipment that would have a wider broadcast range and to solicit other areas for assistance to purchase the equipment, e.g. the Troopers, AVCP VPSO program, etc.

City Manager Hunter then distributed information on the criteria used by the Department of Transportation in determining priorities for statewide transportation projects' funding. Council member McComas asked that a work session be scheduled so the Council could review the City's projects and prioritize them for submission to DOT. Mayor Wintersteen set a work session for Thursday, August 10, 1995, at 7:00 p.m. at the City Offices Conference Room. Mr. McComas asked that Senator Hoffman and Representative Ivan be invited to attend.

VIII REPORTS OF STANDING COMMITTEES

Scheduled dates for upcoming Committee/Commission meetings were announced

Mayor Wintersteen announced that the Senior Services Committee would not meet in August.

IX OLD BUSINESS

Item A: Public Hearing--Ordinance #95-21: An Ordinance Authorizing the Disposal/Sale of Property to an Entity Providing a Necessary Public Service--Korean Community

Mayor Wintersteen explained that Ordinance #95-21 provided for the sale of the Bojangles building and opened the Public Hearing.

There being no one who wished to speak, Mayor Wintersteen closed the Public Hearing.

motion M/M by McComas, 2nd by Miller to adopt Ordinance #95-21. Poll vote. Motion carried, 4-Yes, 0-No.

motion M/M by McComas, 2nd by Miller to accept the City Manager's recommendation to pay off the mortgage on the Bojangles and Bus Barn buildings. Poll vote. Motion carried, 4-Yes, 0-No.

Item B: Public Hearing--Ordinance #95-22: An Ordinance Authorizing the Disposal/Lease of Property to an Entity Providing a Necessary Public Service--Korean Community

Mayor Wintersteen explained that this ordinance authorized the lease City property and showed the property's location on a map to the Council. Mayor Wintersteen then opened the Public Hearing.

There being no one who wished to speak, Mayor Wintersteen closed the Public Hearing.

motion M/M by McComas, 2nd by Miller to adopt Ordinance #95-22.

Discussion followed on the term of the lease, with the consensus of the Council that the initial lease term be for ten years.

vote Poll vote on the motion. Motion carried, 4-Yes, 0-No.

Item C: Public Hearing--Ordinance #95-23: An Ordinance Authorizing the Disposal/Sale of Property to an Entity Providing a Necessary Public Service--Bethel Utilities Corporation

City Manager Hunter explained that the amount listed as the estimated value was based on the appraisal of the land for the bank stabilization project, and the Council could decide to impose a fee or no fee.

Mayor Wintersteen opened the Public Hearing.

Stuart Greydanus, Port Director, stated that he was worried that imposing a high fee for the easement could adversely impact the Port revenues, because the companies currently doing business along the seawall might not return to Bethel if the costs are too high.

There being no one else who wished to speak, Mayor Wintersteen closed the Public Hearing.

motion M/M by McComas, 2nd by Miller to adopt Ordinance #95-23.

Council member McComas stated that the City should provide the easement at no cost. Mr. McComas pointed out that the Planning Commission had asked for the authority to grant utility easements throughout Bethel, and this was a step towards that goal. Mr. McComas also added that, if the utility company was getting the easement at no charge, it should not charge other utilities a fee for a shared pole agreement.

motion M/M by McComas, 2nd by Swanson to amend Ordinance #95-23 to add a condition that the City would not charge for the easement as long as the utility company did not enter into a shared pole agreement for a fee.

Council member Miller stated that he did not support charging a church for a building and granting an easement to a commercial company for free.

Council member McComas responded that charging a fee for this easement would impact the Port fees, since the easement fee would be passed on to the business requesting the utility.

City Manager Hunter added that he would like an agreement to waive the labor costs of replacing the light bulbs on the utility poles in exchange for granting the easement for no fee.

motion M/M by McComas, 2nd by Miller to amend the amendment to the motion by adding to the condition that the utility would waive the labor costs to the City for replacing light bulbs in the poles. Poll vote. Motion carried, 4-Yes, 0-No.

vote Poll vote on the amendment as amended. Motion carried, 4-Yes, 0-No.

vote Poll vote on the motion as amended. Motion carried, 4-Yes, 0-No.

X NEW BUSINESS

Item A: Discussion Item--Public Works Committee Presentation

This item was postponed to the August 22, 1995, regular Council meeting.

Item B: Discussion Item--Bank Stabilization Project-William Hately Request

City Manager Hunter explained the history of the request from Mr. Hately and informed Council of the three options: 1) do nothing, keeping to the project as scheduled; 2) extending the project another 300 feet as originally designed; and 3) extending another 2000 feet as Mr. Hately requested. Mr. Hunter stated that the cost of option #2 would be approximately \$450,000, with the City's share at \$112,000, and the cost for option #3 would be about \$2.5 million, with the City's share at \$625,000.

Mayor Wintersteen asked if there were any advantage of extending the project the original 300 feet. Clyde Wilkerson, Corps of Engineers, responded that it might protect the Petro Port a little more. Port Director Stuart Greydanus informed the Council that Mr. Hately had indicated that he would not agree to sell the easements required for a 300 foot extension, and all attempts to negotiate with Mr. Hately had been resisted. Mr. Greydanus recommended that the Council stay with the project plan as is.

Council member McComas asked if there was any danger if the project was not extended. Mr. Greydanus stated that the Corps would have condemned Mr. Hately's land if it felt it was necessary to extend the project.

motion M/M by Swanson, 2nd by Miller to table this issue to the August 22, 1995, regular meeting. Poll vote. Motion failed, 3-Yes, 1-No (McComas).

The Council took no action on Mr. Hately's request. Lisa Appleby, Corps of Engineers stated that she would research the differences in the designs and costs and bring her results to the next Council meeting.

XI COUNCIL MEMBER COMMENTS

Council member McComas stated that he spoke with people in Barrow who work with Social Services, and they indicated that domestic violence has increased in Barrow since the ban on alcohol, but was not being reported because of alcohol involvement. Mr. McComas stated that if the initiative passes, no alcoholic substance would be allowed in Bethel. Mr. McComas also estimated that 400 jobs would be loss if there were a sudden drop in the 80%-85% of the court cases that were alcohol-related. Mr. McComas stated that going dry would not solve the community's problems, but more enforcement of laws on the books would. Mr. McComas added that alcohol is used as a defense for committing crimes, and the community needed to hold people accountable for their actions to solve the problems.

Council member Miller stated that, although the dry initiative has good intentions, the effect of its passage would be the opposite. Mr. Miller also advocated personal responsibility, and added that the legislature cannot dictate personal behavior. Mr. Miller stated that doing so erodes the freedom that the nation was built upon. Mr. Miller announced that the "Just Say Know" Committee would meet on August 14, 1995, at 7:00 pm at the Log Cabin to organize opposition to the initiative.

Council member Swanson stated she appreciated the comments of the other members, but she as a citizen has the legal right to ask that one of five local options be placed on the ballot for the community to choose. Ms. Swanson reminded people of Bethel's history, when 42 deaths in one year were attributed to alcohol, many through drowning, six from one family alone. Ms. Swanson stated that the community needed to be reminded of these statistics in order to continue the dialogue.

Mayor Wintersteen stated that he wanted to see the bootleggers out of work. Mayor Wintersteen said that the Police Chief indicated it was easier to deal with bootleggers through illegal possession arrests than illegal sale of alcohol arrests. Mayor Wintersteen also pointed out that the Police could spend more time patrolling the streets instead of dealing with drunks. Mayor Wintersteen added that if there was an 80% drop in crime, maybe the City would need fewer police officers, but the City has a hard time filling the positions currently budgeted. The Mayor also related that doctors often have difficulty in treating patients who are drunk because the alcohol masks the real problem, and the dry option would lead to more accurate treatment. Mayor Wintersteen stated that no one has a right to drink, but the community has the right to choose its option as specified by law. The Mayor concluded his remarks by advising the Council that under the new Title 4, the City could seize the method used for transporting alcohol, if the option passes.

XII EXECUTIVE SESSION

- Item A: Legal Strategy--Pacifica Institute Lease Dispute
- Item B: Legal Strategy--Crow v. City of Bethel
- Item C: City Manager Search
- Item D: Riparian Rights Discussion

motion M/M by McComas, 2nd by Miller to go into Executive Session for the purpose of discussing Legal Strategy--Pacifica Institute Lease Dispute; Legal Strategy--Crow v. City of Bethel; City Manager Search; and Riparian Rights Discussion. Voice vote. Motion carried unanimously.

motion M/M by Miller, 2nd by McComas to come out of Executive Session. Voice vote. Motion carried unanimously.

motion M/M by McComas, 2nd by Miller to accept the attorney's recommendation regarding the Pacifica Lease Dispute. Voice vote. Motion carried unanimously.

motion M/M by Miller, 2nd by McComas to invite Mr. and Mrs. Michael Ciesielski to Bethel as soon as possible with the intent of offering Mr. Ciesielski the City Manager's contract. Voice vote. Motion carried unanimously.

XIII ADJOURNMENT

motion M/M by Miller, 2nd by McComas to adjourn the meeting at 9:55 p.m. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 22ND DAY OF AUGUST, 1995.



Allan Wintersteen, Mayor

ATTEST:



Connie Tucker, City Clerk