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# City of Bethel City Council Meeting Minutes

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January 26, 2010

Regular Meeting

Bethel, Alaska

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## I. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on January 26, 2010 at 6:30p, in the Council Chambers, Bethel, Alaska.

Mayor Joseph Klejka called the meeting to order at 6:30p.

## II. ROLL CALL

**Present:** Council Member Allen Hippler  
Council Member Beverly Hoffman  
Mayor Joseph Klejka  
Vice-Mayor Eric Middlebrook  
Council Member Heather Pike  
Council Member Richard Robb  
Council Member Thomas Valadez

**Absent:** None

**Also Present:** City Manager Lee Foley  
City Clerk Lori Strickler

## III. PEOPLE TO BE HEARD-

Jody Malus-  
Spoke in opposition to Ordinances 09-45 and 10-04

## IV. APPROVAL OF THE AGENDA

<b>MOVED:</b>	Hippler	Motion to approve the consent and regular agenda
<b>SECONDED:</b>	Pike	

<b>MOVED:</b>	Hippler	Motion to amend, to table Ordinance 10-04 until the next regular meeting.
<b>SECONDED:</b>	Hoffman	
<b>VOTE ON MOTION</b>		
All in favor		
<b>MOVED:</b>	Robb	Remove Resolutions 10-03, 10-04, 10-05, 10-06 as well as the January 12 <sup>th</sup> meeting minutes from the consent agenda.
<b>MOVED:</b>	Middlebrook	Motion to amend, to table Ordinance 09-47 until the next regular meeting.
<b>SECONDED:</b>	Valadez	
<b>VOTE ON MOTION</b>		
5-2 Motion passes, Robb and Hoffman opposed		
<b>MOVED:</b>	Robb	Motion to amend, to move the fire station RFP to the first item under New Business.
<b>SECONDED:</b>	Middlebrook	
<b>VOTE ON MOTION</b>		
All in favor		
<b>VOTE ON MAIN MOTION</b>		
All in favor		

**V. SPECIAL ORDER OF BUSINESS**

**Item A** - Review Canvass Board Certificate of Election.

**Item B** – Resolution 10-07: A Resolution Certifying The Results Of The January 19, 2010 Special City Of Bethel Election.

<b>MOVED:</b>	Middlebrook	Motion to approve Resolution 10-07.
<b>SECONDED:</b>	Hoffman	
<b>VOTE ON MAIN MOTION</b>		
All in favor		

**VI. APPROVAL OF THE MEETING MINUTES**

**Item A** – 01/12/2010 Regular City Council Meeting

<b>MOVED:</b>	Hoffman	Motion to approve the meeting minutes
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<b>SECONDED:</b>	Middlebrook	
<b>MOVED:</b>	Middlebrook	Motion to amend, the minutes item G under New Business to reflect "3-3 Motion fails, Middlebrook, Pike and Robb opposed".
<b>SECONDED:</b>	Hoffman	
<b>VOTE ON MOTION</b>	All in favor	
<b>MOVED:</b>	Middlebrook	Motion to table until the next regular meeting.
<b>SECONDED:</b>	Hoffman	
<b>VOTE ON MAIN MOTION</b>	All in favor	

**VII. UNFINISHED BUSINESS**

**Item A** – Public Hearing Of Ordinance 09-45: Establishing A Sales Tax Free Day In The City Of Bethel.

*Mayor Klejka opened the public hearing.*

*No one wished to be heard.*

*Mayor Klejka closed the public hearing.*

<b>MOVED:</b>	Pike	Motion to adopt Ordinance 09-45.
<b>SECONDED:</b>	Valadez	

<b>MOVED:</b>	Pike	Motion to amend, to strike rentals and services from the title.
<b>SECONDED:</b>	Valadez	
<b>VOTE ON MOTION</b> All in favor		
<b>MOVED:</b>	Robb	Motion to amend, 4.16.330 to strike all sales and insert <u>the first \$100.00</u> of retail sales.
<b>SECONDED:</b>		
<b>VOTE ON MOTION</b> Motion does not carry due to lack of a second.		
<b>MOVED:</b>	Hippler	Motion to amend, to insert " <u>sales for goods both purchased and delivered</u> " and to strike all sales made under 4.16.330.
<b>SECONDED:</b>	Pike	
<b>VOTE ON MOTION</b> 6-1 Motion passes, Klejka opposed.		
<b>MOVED:</b>	Hippler	Motion to amend, to insert item (c). " <u>No more than \$500.00 in sales tax shall be exempted for any single item purchased.</u> "
<b>SECONDED:</b>	Pike	
<b>VOTE ON MOTION</b> 3-4 Motion fails, Middlebrook, Valadez and Hippler in favor		
<b>MOVED:</b>	Robb	Motion to amend, to strike " <u>100.00</u> " and insert " <u>500.00</u> " of retail sales under section (a).
<b>SECONDED:</b>		
<b>VOTE ON MAIN MOTION</b> Motion does not carry due to a lack of a second.		
<b>MOVED:</b>	Valadez	Motion to amend, to insert item " <u>(c) invoice will be paid in full the day of sale</u> ".
<b>SECONDED:</b>	Pike	
<b>VOTE ON MAIN MOTION</b> 4-3 Motion passes, Middlebrook, Hoffman and Klejka opposed.		
<b>VOTE ON MAIN MOTION</b> 2-5 Motion fails, Hippler and Valadez in favor		

**Item B - Public Hearing Of Ordinance 09-47: Amending The BMC Chapter 5.08, Alcoholic Beverage Sales In the City Of Bethel Jurisdiction.**

*Item postponed until the next regular meeting.*

**Item C – Public Hearing Of Ordinance 10-01:** Submission To The Qualified Voters Of The City Of Bethel, Alaska At A Special election The Question Of Opting Into Local Option AS 04.11.491 (a) (1) Prohibiting The Sale Of Alcoholic Beverages In The City Of Bethel.

*Mayor Klejka opened the public hearing.*

Allen Joseph – Spoke in favor of Ordinance 10-01

Hugh Dymont – Spoke in favor of Ordinance 10-01

Ray Watson – Spoke in favor of Ordinance 10-01

*Mayor Klejka closed the public hearing.*

<b>MOVED:</b>	Hippler	Motion to adopt 10-01.
<b>SECONDED:</b>	Middlebrook	
<b>VOTE ON MAIN MOTION</b>	All in favor	

**Item D – IM 10-01:** Reviewing The ONC City Of Bethel Cooperation Agreement For Low Income Housing.

<b>MOVED:</b>	Middlebrook	Motion to take a ten minute break.
<b>SECONDED:</b>	Robb	
<b>VOTE ON MAIN MOTION</b>	5-2 Motion passes, Klejka and Hoffman opposed.	

## **VIII. NEW BUSINESS**

**Item N – Fire Station RFP For Repairs And Other Possibilities Or Solutions**

<b>MOVED:</b>	Hippler	Motion to suspend the rules to hear from the Fire Chief, George Young.
<b>SECONDED:</b>	Hoffman	
<b>VOTE ON MAIN MOTION</b>	All in favor	

<b>MOVED:</b>	Robb	Motion to move ahead with the RFP
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<b>SECONDED:</b>	Hoffman	proposed by the City Manager and approved by the Fire Chief
<b>VOTE ON MAIN MOTION</b>	5-2 Motion passes, Middlebrook and Valadez opposed.	

**Item A – Resolution 10-03:** Protesting The Issuance Of A State Of Alaska Alcoholic Restaurant Eating Place License for Corina’s Restaurant; Located At 238 East Ave. Slough; Owned By Kilush Park.

*Council Member Valadez declared a conflict of interest.  
Mayor Klejka ruled in favor of the conflict of interest.  
Council Member Valadez stepped down from the bench.*

<b>MOVED:</b>	Middlebrook	Motion to adopt Resolution 10-03.
<b>SECONDED:</b>	Hippler	
<b>MOVED:</b>	Pike	Motion to amend, to submit the canvass board certification of the election with Resolution 10-03.
<b>SECONDED:</b>	Hoffman	
<b>VOTE ON MOTION</b>	All in favor	
<b>VOTE ON MAIN MOTION</b>	All in favor	

**Item B – Resolution 10-04:** Protesting The Issuance Of A State Of Alaska Alcoholic Restaurant Eating Place License For 123 BBQ Express; Located At 120 A Eddie Hoffman Hwy; Owned By Grace Seo.

<b>MOVED:</b>	Hoffman	Motion to adopt Resolution 10-04.
<b>SECONDED:</b>	Pike	
<b>MOVED:</b>	Robb	Motion to amend, to strike the third whereas.
<b>SECONDED:</b>	Hippler	
<b>VOTE ON MOTION</b>	All in favor	
<b>MOVED:</b>	Middlebrook	Motion to suspend the rules to hear from the Planning Director, Dan Shea.
<b>SECONDED:</b>	Hippler	
<b>VOTE ON MOTION</b>	All in favor	

<b>MOVED:</b>	Hippler	Motion to amend, to strike the second whereas
<b>SECONDED:</b>	Hoffman	
<b>VOTE ON MOTION</b>	2-4 Motion fails, Hippler and Robb in favor	
<b>MOVED:</b>	Middlebrook	Motion to table Resolutions 10-04, 10-05, 10-06 and to go to item I.
<b>SECONDED:</b>	Hoffman	
<b>VOTE ON MOTION</b>	All in favor	
<b>VOTE ON MAIN MOTION</b>	All in favor	

*Council Member Valadez returned to the bench.*

**Item I** – Review And Modification Of City’s Legislative Priorities And Drafting A Corresponding Resolution.

<b>MOVED:</b>	Middlebrook	Motion to direct the City Manager to amend the current capital priorities to reflect \$1,000,000 for fire station repair and \$3,000,000 for the Bethel Police Department, striking the State Troopers
<b>SECONDED:</b>	Hoffman	
<b>VOTE ON MAIN MOTION</b>	All in favor	

<b>MOVED:</b>	Hoffman	Motion to increase the BATH request to \$4,000,000.
<b>SECONDED:</b>	Robb	
<b>VOTE ON MAIN MOTION</b>	All in favor	

**Item K** – AM 10-07: Appointment Of Steve Powers To The Public Works Committee.

*Mayor appointed Steve Powers to the Public Works Committee with council concurrence.*

**Item L** – AM 10-08: Appointment of Frank Neitz to the Public Works Committee.

*Mayor appointed Frank Neitz to the Public Works Committee with council concurrence.*

**Item M – Leave Request For The City Clerk March 22<sup>nd</sup> – 26<sup>th</sup>.**

<b>MOVED:</b>	Middlebrook	Motion to approve the City Clerk's leave request.
<b>SECONDED:</b>	Hoffman	
<b>VOTE ON MAIN MOTION</b>	All in favor.	

**Item O – Alaska Court System Requests Small Name Revision To Nora Guinn Courthouse Complex**

<b>MOVED:</b>	Hippler	Motion to approve the name change of the Nora Guinn Courthouse Complex
<b>SECONDED:</b>	Hoffman	
<b>MOVED:</b>	Middlebrook	Motion to table until the next council meeting.
<b>SECONDED:</b>	Pike	
<b>VOTE ON MAIN MOTION</b>	All in favor	

<b>MOVED:</b>	Middlebrook	Motion to pull Resolutions 10-04, 10-05, and 10-6 from the table.
<b>SECONDED:</b>	Hoffman	
<b>VOTE ON MAIN MOTION</b>	All in favor	

*Council Member Valadez declared a conflict of interest.  
Mayor Klejka ruled in favor of the conflict of interest.  
Council Member Valadez stepped down from the bench.*

**Item B - Resolution 10-04: Protesting The Issuance Of A State Of Alaska Alcoholic Restaurant Eating Place License For 123 BBQ Express; Located At 120 A Eddie Hoffman Hwy; Owned by Grace Seo.**

*Vote on Motion is reflected above.*

**Item C - Resolution 10-5: Protesting The Issuance Of A State Of Alaska Alcoholic Restaurant Eating Place License For Dimtri's Restaurant; Located At 281 4<sup>th</sup> Ave; Owned By Marco Kargas**

<b>MOVED:</b>	Hoffman	Motion to adopt Resolution 10-05.
<b>SECONDED:</b>	Pike	
<b>MOVED:</b>	Robb	Motion to amend, to insert " <u>and Dimitri's is less than 200 feet from Ayaprun Elitnaruvik Elementary School</u> ".
<b>SECONDED:</b>	Pike	
<b>VOTE ON MOTION</b>	All in favor	
<b>VOTE ON MAIN MOTION</b>	All in favor	

*Council Member Valadez returned to the bench.*

*Council Member Valadez declared he had a conflict of interest, Mayor Klejka ruled Council Member Valadez did not have a conflict of interest, with no opposition from the council, Council Member Valadez returned to the bench.*

**Item D – Resolution 10-06:** Protesting The Issuance Of A State Of Alaska Alcoholic Package Store License For Alaska Commercial Company AC Value Center; Located At 514 Ridgecrest Street; Owned By North West Company International Inc.

<b>MOVED:</b>	Middlebrook	Motion to adopt Resolution 10-06
<b>SECONDED:</b>	Pike	
<b>MOVED:</b>	Middlebrook	Motion to amend, to insert the language from Alaska Statute 4.11.410.
<b>SECONDED:</b>	Hoffman	
<b>VOTE ON MOTION</b>	All in favor	
<b>MOVED:</b>	Robb	Motion to amend, to insert <u>the AC Store is within that two hundred feet</u>
<b>SECONDED:</b>	Middlebrook	
<b>VOTE ON MOTION</b>	All in favor	
<b>MOVED:</b>	Robb	Motion to amend the second and third whereas statements, to insert " <u>the AC Store is within the 200ft and 300ft</u> ".
<b>SECONDED:</b>	Pike	
<b>VOTE ON MOTION</b>	4-3 Motion passes, Middlebrook, Klejka, and Valadez	

	opposed	
<b>MOVED:</b>	Middlebrook	Motion to table until the next regular meeting.
<b>SECONDED:</b>	Pike	
<b>VOTE ON MAIN MOTION</b>	4-3 Motion passes, Hippler, Robb, and Hoffman opposed	

**Item E – Introduction Of Ordinance 10-02:** Adding Section 5.08.200 Protest, To The Bethel Municipal Code Establishing A Method To Protest All Liquor License within The City Of Bethel

*Passed on the consent agenda.*

**Item F – Introduction Of Ordinance 10-03:** Amending Chapter Of The BMC To Change the Introduction Date Of The Budget To April 15<sup>th</sup>.

*Passed on the consent agenda.*

**Item H – Introduction Of Ordinance 10-05:** Amending Section 5.20.160 Taxicab Fees To Strike The Term "In Lieu Of Sales Tax".

*Passed on the consent agenda.*

**Item J – Introduction Of Ordinance 09-11(f):** Budget Modification.

*Passed on the consent agenda.*

**Item P – Acceptance Of Tom Valadez's Resignation From Council.**

<b>MOVED:</b>	Valadez	Motion to approve the resignation from the city council.
<b>SECONDED:</b>	Middlebrook	
<b>MOVED:</b>	Middlebrook	Motion to amend, to accept the resignation effective Feb 22 <sup>nd</sup> , 2010
<b>SECONDED:</b>	Hoffman	
<b>VOTE ON MOTION</b>	All in favor	
<b>VOTE ON MAIN MOTION</b>	All in favor	
<b>MOVED:</b>	Middlebrook	Motion to have letters of interest filing period from Wednesday January 27 to Tuesday February 16 <sup>th</sup> , 2010 at 5p.
<b>SECONDED:</b>	Hoffman	

<b>VOTE ON MAIN MOTION</b>	All in favor
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<b>MOVED:</b>	Hippler	Motion to extend the meeting to 11:00p.
<b>SECONDED:</b>	Robb	

<b>VOTE ON MAIN MOTION</b>	5-2 Motion passes, Hoffman and Middlebrook opposed.
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**IX. REPORT OF STANDING COMMITTEES**

Planning Commission –  
Update to the comprehensive plan and the corresponding RFP received to update the plan.

Port Commission –  
Tariff Cleanup.

Public Safety and Transportation Commission –  
Dog control issues.  
Election of Chair, Mark Springer and Vice Chair Brian Lefferts.  
Fire Station RFP.  
Private bus system permitting inprocess.

Public Works Committee -  
Grinder Pumps.

Parks and Recreation Committee –  
Cribbage Tournament scheduled for every Tuesday night.  
Mike Parker resigned.

Finance Committee –  
Sales Tax revenue.

Cemetery Committee –  
Nothing to report.

**X. MAYOR'S REPORT**

<b>MOVED:</b>	Pike	Motion to suspend the rules to hear from the Port Director.
<b>SECONDED:</b>	Middlebrook	
<b>VOTE ON MOTION</b>	All in favor	

**XI. MANAGER'S REPORT**  
**XII. CITY CLERK'S REPORT**  
**XIII. COUNCIL MEMBER'S COMMENTS**

Council Member Valadez –  
 Thanked the Bethel Fire Department for the fireworks show.

Council Member Pike –  
 Thanked the Port Commission and Pete Williams and Jonna Daugherty

Council Member Hoffman –  
 Encouraged to community to volunteer

Council Member Hippler –  
 Looking forward to getting more involved with the city.  
 Excited to hear the city is looking into outsourcing billing.

Council Member Robb –  
 Sorry to see Tom Valadez resigning.  
 Admired those involved with the K300, it was a difficult year with the weather.  
 Glad to see there is going to be something local going on for the Haiti tragedy.

Vice-Mayor Middlebrook –  
 Thanked everyone for going out and voting at the special election.  
 Worked with Dave Donaldson on a story on liquefied compressed natural gas which aired on Alaska News Nightly.

Mayor Klejka –  
 Thanked Tom Valdez for staying with the council until council finds a replacement.  
 Holiday classic dog race will take place on Saturday and the sprint Musher's Club will take place on Sunday,  
 Thanked everyone who helped with the K300, with a special thanks to the city employees who helped out.

<b>MOVED:</b>	Middlebrook	Motion to move into Executive Session to discuss Confidential Attorney Client Memorandum-White Papers regarding The Purchase Of BUC By TDX.
<b>SECONDED:</b>	Valadez	
<b>VOTE ON MOTION</b>		
All in favor		

**XIV. EXECUTIVE SESSION**

**Item A** – Confidential Attorney Client Memorandum – White Papers  
Regarding The Purchase Of BUC By TDX.

**XV. ADJOURNMENT**

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Joseph Klejka, Mayor

ATTEST:

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Lori Strickler, City Clerk