

CITY COUNCIL

*Tad Miller
Dario Notti
Mike O'Brien
Agnes Phillips
Ruth Richardson, Mayor
Stanley Rodgers
Thor Williams*



CITY MANAGER
Ken Weaver

CITY CLERK
L.J. Tanner

**City of Bethel
Regular Council Meeting Minutes
April 22, 1997**

I. CALL TO ORDER

The meeting was convened at 6:30 p.m. by Mayor Richardson in the Log Cabin, Bethel, Alaska.

II. ROLL CALL

Present: Miller, Notti, O'Brien, Phillips, Richardson, Rodgers, Williams
Absent: none

Also present: City Manager Ken Weaver, City Clerk L.J. Tanner, Paul Gabbert-VSW, Willy Van Hemert-CRW, Jim Kaercher-CRW, Tom Wolf-CH2M Hill, and 28 persons in the audience.

III. PEOPLE TO BE HEARD

There were several people signed up to speak, but they all preferred to hold their comments until the Public Hearing scheduled for Old Business Item B.

IV. APPROVAL OF MINUTES OF APRIL 8, 1997 REGULAR MEETING

Council member Williams noted that Ordinance #97-01 was referred to in the Approval of Minutes section as "Ordinance #7-01." Correction noted by Clerk.

motion M/M by O'Brien, 2nd by Miller to approve the minutes of the April 8, 1997 regular meeting, as corrected.

vote Voice vote. Motion carried unanimously.

V. APPROVAL OF AGENDA

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

vote Voice vote. Motion carried unanimously.

VI. MAYOR'S REPORT

Mayor Richardson stated that she attended the Junior ROTC Awards & Promotion Ceremony at the Bethel Regional High School, and was very impressed by their discipline and training. Ms. Richardson also noted that she appreciated the way a recent complaint about full honeybuckets was handled by Public Works Administrative Assistant Wayne Smith and the City Clerk.

Next, Mayor Richardson reported that she was unable to attend the DOT&PF Effectiveness Review Committee meeting in Anchorage. However, in April, she did attend meetings of the City's

Transportation and Public Safety Commissions, and the Public Works Committee meeting. In May, Mayor Richardson will attend Youth Services, Finance, Planning, and Port meetings. She will also speak at the annual Elder's Conference, scheduled for April 29-30 at the Eddie Hoffman Senior Center. Noting that April 24 is "Take your Daughter to Work Day," Mayor Richardson encouraged people to participate.

Mayor Richardson asked the Public Works Committee to review a proposal from Mr. Ron Arvin for car-crushing and hauling services. The City Clerk noted that information has been requested from Mr. Arvin and will be forwarded to the Public Works Committee as soon as it is received.

Mayor Richardson made the following appointments:

Finance Committee: Dr. Zod Osuji
Transportation Commission: Mr. David O'Malley

motion M/M by Miller, 2nd by Rodgers to ratify Mayor Richardson's appointments.

vote Voice vote. Motion carried unanimously.

Lastly, Mayor Richardson noted the City Clerk's leave request. The Clerk will be on leave for the May 13, 1997 regular City Council meeting, and Purchasing Agent Laurie Adams will fill in.

motion M/M by Miller, 2nd by O'Brien to approve the City Clerk's leave request.

vote Voice vote. Motion carried, unanimously.

VII. MANAGER'S REPORT

City Manager Weaver referred Council to the written reports, and discussed the following:

- Bank Stabilization Project: Mr. Weaver reviewed with the Council, documents from the Army Corps of Engineers which detail the remaining project costs. No word yet on the \$300,000 capital funding request.
- Bid Award - One bid was received for the water storage tank insulation material required for the Bethel Heights Water and Sewer System Upgrade Project. The Purchasing Agent recommends award to Thermacon Industries, for \$34,900.00.

motion M/M by Miller, 2nd by O'Brien to award the bid for the water storage tank insulation material to Thermacon Industries, for \$34,900.00.

vote Voice vote. Motion carried unanimously.

- Bid Award - One bid was received for 14 new refuse containers. The Purchasing Agent recommends award to Capital Industries, for \$21,220.00.

motion M/M by Miller, 2nd by Williams to award the bid for 14 new refuse containers to Capital Industries, for \$21,220.00.

Council member Rodgers asked if the new containers will be compatible with the City's refuse collection trucks. The City Manager replied that they would be compatible.

vote Voice vote. Motion carried unanimously.

- **Landfill Violations:** Council discussed the ongoing violations at the landfill, and expressed their desire to have the situation corrected immediately. Council member Rodgers suggested that chicken wire be erected around the landfill to prevent garbage from blowing onto the tundra.
- **Letter from Alaska Municipal Bond Bank Authority -** the Council reiterated their support for continued funding of the Executive Director position.
- **Loan Applications -** City Manager Weaver explained that he has completed preliminary applications for loans from the Alaska Clean Water and Alaska Drinking Water programs. The next step is for the City to file formal applications. Council had several questions for the Manager, including the total amount of loan funds for which the City has applied.

VIII. REPORTS OF STANDING COMMITTEES and COMMISSIONS

Finance Committee: Council Member Phillips reported that the Committee did not meet in April, due to the Finance Director's vacation leave. Minutes of the March meeting are in the packet. The next meeting will be on May 8, 1997.

Planning Commission: Council Member Notti stated that the Commission had met. They agreed that education on ANSCA 14(c)3 land reconveyances is needed, and have scheduled a work session for May 22 at the Lion's Club. Council member Miller asked about the status of a park at Owl and Ptarmigan roads. Mr. Notti replied that the City Planner is working on the idea.

Port Commission: Council Member Rodgers reported that the regular meeting has been re-scheduled for April 28. They will discuss the Port budget.

Public Works Committee: Council Member O'Brien reported that the Committee met on April 15 and had a productive meeting. They recommend that Calcium Chloride be used on the roads as a dust control agent, and that the City purchase the manlift which Klebs Mechanical has left at the shop.

Public Safety Commission: Mayor Richardson stated that the Commission held their April meeting, which she reported on at the April 8 City Council meeting. The next meeting is May 5.

Senior Advisory Board: Mayor Richardson noted that she is normally unable to attend the meetings of the Advisory Board, because they start at 10:00 a.m. However, she will attend their lunch-time meeting on April 23, as well as the Elder's Conference on April 29-30.

Transportation Commission: Council Member Williams stated that the April Commission meeting minutes were in the packet. The Commission will meet again on May 1, 1997.

Youth Services Committee: Council Member Miller reported that the Committee met, and discussed the creation of a City Parks & Recreation Department, an idea proposed by the City Manager. The Committee voted to recommend the idea to the City Council. The Committee also discussed the need for an additional staff person, rental rates for the Youth Center, and the need for more volunteers.

Mayor Richardson called for a 5 minute break before starting Old Business.

IX. OLD BUSINESS

Item A: VSW/CRW Water & Sewer Community Update

Willy Van Hemert and Jim Kaercher from CRW Engineering Group, and Tom Wolf, of CH2M Hill, gave a presentation which focused on planned upgrades to the Bethel Heights Water Treatment Plant, and the installation of piped water and sewer in City Subdivision. Paul Gabbert of VSW was also

available to answer questions. The Council and members of the public had many questions and comments about the basis of design and engineering decisions, the impact of planned improvements on homeowners and utility customers, and the projected costs for both projects. Mr. Van Hemert noted that because they are very early in the design and engineering phase, this is the most opportune time for public input. Copies of the presentation materials are available in the City Clerk's office.

Item B: Public Hearing, Ordinance #97-01 - Acquisition of a Road ROW

Mayor Richardson opened the Public Hearing. The following people spoke: Marc Stemp, Gene Peltola, Walter Larson, Sr., John Guinn, Kevin Murphy, Bob Carlson, Dave Trantham, Ole Olson and Grant Fairbanks. Just before 10:00 p.m., Mayor Richardson asked for a motion to continue the meeting.

motion M/M by O'Brien, 2nd by Notti, to suspend the rules and allow the meeting to continue past 10:00 p.m.

vote Roll call vote. Motion carried, 4-Yes, 3-No (Miller, Rodgers, Williams).

A letter from Janet Kaiser, who was unable to attend the meeting, was read by Mayor Richardson. Seeing no one else to speak, Mayor Richardson closed the Public Hearing at 10:17 p.m. Several Council members had questions for the people who had spoken during the public hearing, and an informal discussion took place between the Council and various members of the public. Discussion centered on the private nature of the proposed YKHC subdivision, the condition of the road in question leading to the subdivision, ANSCA 14(c)3 land conveyances between the City and BNC, and the legal instruments used to execute the this particular conveyance.

motion M/M by Miller, 2nd by Rodgers to table Ordinance #97-01, so that the concerns brought forth from the public could be reviewed and accommodated by the City Attorney in an amended ordinance.

Council member Miller asked for discussion on the motion, and was advised by Mayor Richardson that debate is not permitted on a motion to table.

motion M/M by Miller, 2nd by O'Brien to suspend the rules to allow for debate on the motion to table Ordinance #97-01.

vote Voice vote. Motion carried unanimously.

Council discussed the merits of tabling the ordinance. Council member Miller suggested that by tabling the ordinance, it can be amended to address the concerns of the Council and public. Council member Williams argued that amending the ordinance would only add to the confusion, and that if a motion to adopt the ordinance in its' present form fails, a new ordinance can be drafted and brought before the Council. Council member O'Brien agreed with Mr. Williams' comments, adding that a lot of legwork needs to be done by the City before a new ordinance can be drafted. Council member Notti compared people's opposition to Ordinance #97-01 to the Venetie controversy. Council member Miller stated that he is not opposed to the YKHC subdivision, but he thinks the ordinance needs further work.

vote Voice vote. motion failed, 1-Yes (Miller), 5-No, 1-Abstain (Richardson)

motion M/M by Phillips, 2nd by O'Brien to adopt Ordinance #97-01.

Discussion followed. Council member O'Brien called for the question.

vote Roll call vote. Motion failed, 2-Yes, 4-No (Miller, O'Brien, Rodgers, Williams)
1-Abstain (Richardson).

Item C: Discussion - Resolution #96-46

Council member Rodgers explained why he has raised this issue again. Resolution #96-46, which requests private business owners to control taxi-cab parking in their lots, has not been used as a tool by the Transportation Commission, as Mr. Rodgers intended. Council member Williams stated that the Commission has reviewed the Resolution, has sent it to local businesses, and has suggested that Council member Rodgers take the Resolution to a Chamber of Commerce luncheon for discussion. Council member O'Brien volunteered to take the Resolution to the next Chamber luncheon. Council member Rodgers stated that he would like to amend the original Resolution to include "airport parking" as one of the areas to be controlled by private business owners.

motion M/M by Rodgers, 2nd by Williams to amend Resolution #96-46 to include "airport parking" as one of the areas to be controlled.

vote Voice vote. Motion carried unanimously.

X. NEW BUSINESS

Item A: Discussion - Privatization of Water, Sewer, and Refuse Services

Council member Phillips, who requested the agenda item, explained the intent of the Finance Committee's recommendation to privatize water, sewer, and refuse services provided by the City. City Manager Weaver noted that the planned audit of Public Works would probably give further justification for the privatization. Council member Notti noted the Finance Committee member who made the motion to recommend privatization has a conflict of interest. Mayor Richardson stated that she would like City Administration to review the criteria listed by the Finance Committee and come back to Council with a plan of action. Council member Phillips noted that the Utilities Division will receive new trucks this summer, and that may change some of the factors. Council member Miller noted that he has come to Council with a proposal for a pilot recycling program. Council agreed that Mr. Miller's program could be considered as a factor towards privatization.

Item B: Resolution #97-23 - Authorizing an Application for a Client Transportation Grant
City Manager Weaver explained the purpose of the grant, and read the Resolution.

motion M/M by Williams, 2nd by Phillips to adopt Resolution #97-23.

vote Voice vote. Motion carried, unanimously.

Item C: Schedule of Budget Work Sessions in May

After some discussion, the schedule was approved as presented:

Thursday	May 1	6:00 pm, City Offices	Special meeting for presentation of the budget.
Wednesday	May 14	6:30 pm, City Offices	Work Session - review of Police, Fire, Community Services, Administration, and Planning budgets.
Wednesday	May 21	6:30 pm, City Offices	Work Session - review of Public Works, Port & Harbor, Finance, and City Clerk budgets.

Tuesday	May 27	6:30 pm, Log Cabin	Regular City Council meeting - Introduction of FY98 Budget Ordinance.
Tuesday	June 10	6:30 pm, Log Cabin	Regular City Council meeting - Public Hearing and adoption of FY98 Budget Ordinance.

Item D: Resolution #97-24 - Support for Continued funding for ARCS/KYUK

motion M/M by Williams, 2nd by Phillips to adopt Resolution #97-23.

Buster Richardson asked to address the Council and was allowed to do so. Mr. Richardson told the Council that he didn't believe KYUK deserved their support.

vote Voice vote. Motion carried, unanimously.

Item E: Bethel Recycling Program Proposal

Council member Miller, who requested the agenda item, asked to table the item until the May 13, 1997 regular meeting. Mayor Richardson stated that she preferred to refer the proposal to the City Manager, to be considered during the study of privatization (see New Business Item A, above). Council member Miller concurred.

Item F: Discussion - Off-road Vehicle Regulations

Council member Notti, who requested the agenda item, explained that he would like to see changes to the City's laws with regards to off-road vehicle use on the City's roads. City Manager Weaver noted that this item has been referred to the Public Safety Commission and suggested the Mr. Notti contact Tom Hildreth, Commission Chair.

Item G: Discussion - Alcohol Use Tax

Council member Williams, who requested the agenda item, noted that it appears the City is actively collecting the use tax. A brief discussion followed. No actions was taken.

XI. COUNCIL MEMBER COMMENTS

Miller - Noted that it is good for the Council to disagree, while maintaining respect for each other.

Notti - Re-stated his belief that the controversy over the Kasayuli Subdivision is similar to the opposition to the Venetie Indian Country Ruling.

O'Brien - Noted that he was in Tuntutuliak recently, and that school-children there are growing spruce trees. He'd like to see a project like that here in Bethel. Reminded people that Clean Up, Green Up time is here.

Phillips - Noting that Earth Day is coming up on April 24, asked people to respect the environment, to clean up around their homes, and not leave garbage on the ice. Stated that as a BNC shareholder, she would not profit from the Kasayuli Subdivision.

Richardson - Asked all Council members and interested parties to attend the 14(c)3 Workshop being held on May 22nd. It will be a real eye-opener.

Rodgers - No comment.

Williams - Noted that both local pre-schools are holding "trash-a-thon" fund-raisers, May 1-2, and asked people to support these efforts. Offered condolences to Shari Neth and family for their recent loss. Inquired about the FAA Sewer line.

XIII. EXECUTIVE SESSION

Mayor Richardson asked if Items B: Review Hicks, Boyd, Chandler & Falconer cases, and C: Discussion - Rodgers v. City of Bethel, could be tabled until the May 13, 1997 regular Council meeting. Council agreed. Mayor Richardson asked who had placed Item A: Discussion - City Manager Personnel Issues on the agenda. Council member Notti stated that he had placed it on the agenda, and would make it short.

motion M/M by O'Brien, 2nd by Williams to enter Executive Session, for the purpose of discussing City Manager/personnel issues, at 11:15 p.m.

vote Voice vote. Motion carried unanimously.

motion M/M by Williams, 2nd by O'Brien to come out of Executive Session, at 11:35 p.m.

vote Voice vote. Motion carried unanimously.

XIII. ADJOURNMENT

motion M/M by O'Brien, 2nd by Phillips to adjourn the meeting at 11:35 p.m.

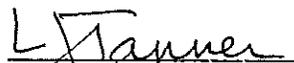
vote Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 13TH DAY OF MAY, 1997.



Ruth M. Richardson, Mayor

ATTEST:


L.J. Tanner, City Clerk