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

*CITY MANAGER*
*Ken Weaver*

*CITY CLERK*
*L.J. Tanner*

**City of Bethel**
**Regular Council Meeting Minutes**
**May 13, 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, and 23 persons in the audience.

## III. PEOPLE TO BE HEARD

Dave Trantham of Bethel voiced his disagreement with the City Manager's proposed budget, and suggested that the Council look at ways to increase revenue, proposing several new taxes and fees. Mr. Trantham also noted his disappointment over the handling of the public hearing for Ordinance #97-01. As a WWII veteran, he doesn't like to be abused. Everyone has the right to speak their mind at Council meetings, and should be respected by all members of the Council.

Antone Anvil spoke about the on-going need for bicycle trails in Bethel. He would like the Council to address this need before a child is injured riding a bike on the road. Other issues Mr. Anvil brought up were the campaign posters, which are still on telephone poles around town, the need for greater enforcement of taxi drivers, and vandalism at the small boat harbor.

Tabitha Bradbury, Student Body President at BRHS, stated that she believes the Bethel Police Department sets a bad example by smoking cigarettes.

## IV. APPROVAL OF MINUTES OF APRIL 22, 1997 REGULAR MEETING and MAY 1, 1997 SPECIAL MEETING

Council member Williams noted a typo on Page 5, under New Business Item C, in the April 22, 1997 regular meeting minutes.

**motion** M/M by O'Brien, 2nd by Miller to approve the minutes of the April 22, 1997 regular meeting, as amended, and the May 1, 1997 special meeting minutes, as presented.

**vote** Voice vote. Motion carried unanimously.

## V. APPROVAL OF AGENDA

City Manager Weaver asked to move New Business Item B, Korean Church location issues, and Executive Session Item B, Rodgers v. City of Bethel, to the May 27 regular Council meeting. Council

member Miller asked to move New Business Item C, City Encroachment on Elsie Active property, to the May 27 meeting, and asked to add New Business Item G, Resolution #97-27, Supporting a Community Recreation and Multi-purpose Facility. Council agreed.

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

**vote** Voice vote. Motion carried unanimously.

## VI. MAYOR'S REPORT

Mayor Richardson reminded the Council of the ANSCA 14(c)3 workshop scheduled for 7:30 p.m., May 22, at the Bethel Lion's Club.

## VII. MANAGER'S REPORT

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

- Reports from Lobbyist: Mr. Weaver reviewed Paul Richard's final report with the Council. Bethel received $180,000 for the bank stabilization project, and $108,000 for the Braund Building renovation. In addition, approximately $14,000,000 has been allocated for an Army Aviation Operating Facility and various airport upgrade projects. Mr. Weaver has formed an advisory committee to help the City proceed with piped water and sewer. The first meeting is Monday, May 19, 12:00 p.m. at the City Offices.
- Bid Award: The closing date for bids on the river run gravel contract is May 16, 1997. Due to the short time frame for the contractor to perform, and the need to receive the gravel prior to the end of the fiscal year, Mr. Weaver requested authorization to award the contract to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the Invitation for Bids and the Instructions for Bidders, and does not exceed the funds available.

**motion** M/M by O'Brien, 2nd by Williams to authorize the City Manager to award the river run gravel contract to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the Invitation for Bids and the Instructions for Bidders, and does not exceed the funds available.

**vote** Voice vote. Motion carried unanimously.

- Wastewater Disposal Permit - Mr. Weaver noted that he has requested assistance from CRW Engineering Group on the City's permit application. The process is continuing.
- Pinky's Park/Boardwalks: A memo from Acting Public Works Director Clair Grifka indicated that repair work is on-going, but hampered by frequent vandalism.
- Skateboard Petition: a group of students has submitted a petition asking the City to build a skateboard park. A memo has been received from City Attorney Lee Sharp regarding liability issues. The matter was referred to the Youth Service Committee for review & recommendation.
- Water and Sewer Grants: Mr. Weaver noted that he would need the signature of the Mayor and three Council members on the Clean Water and Drinking Water grant applications.
- Gaming Permit: Noting an application from the Alaska State Chamber of Commerce, Council member Williams questioned the Council's authority to discourage organizations from outside of Bethel from selling pull-tabs in the City.

**motion** M/M by Williams , 2nd by O'Brien to deny the Alaska State Chamber of Commerce's application to conduct gaming in Bethel.

**vote** Voice vote. Motion carried unanimously.

- Council member Miller asked the City Manager to investigate city lands which might be used for a new firing range.
- Mr. Miller also asked if an update on the status of Public Works Director Harry Parsi was expected in the near future. Mr. Weaver responded that he would provide an update at the next Council meeting.
- Council member Williams inquired as to the status of garbage blowing from the landfill. Mr. Weaver responded that he understands the Public Works Department is actively cleaning up all wind-blown garbage. Mayor Richardson recommended that Mr. Williams drive by the landfill, it is noticeably cleaner.
- Mr. Williams asked if there is enough room on the dock for freight, considering that Osborne Construction's houses are still taking up space. Mayor Richardson noted that Port Director Greydanus addresses this issue in his management report, which is in the City Council packet.

## VIII. REPORTS OF STANDING COMMITTEES and COMMISSIONS

***Finance Committee:*** Council Member Phillips reported that she was unable to attend the last meeting of the Committee. They referred the question of piped water & sewer rates to the Public Works Committee. They also recommend that the City increase the business license fee from $10 to $25. Ms. Phillips reminded the Council that another work session is needed on the sales tax re-codification.

***Planning Commission:*** Council Member Notti stated that he was unable to attend the last meeting of the Commission. Planning Manager John Malone gave the Council a brief review of the meeting.

***Port Commission:*** Council Member Rodgers reported that the Commission met on April 28, and decided to provide disabled access on both the North and South sides of the small boat harbor. The next meeting is on May 19.

***Public Works Committee***: Council Member O'Brien reported that the Committee's next meeting is scheduled for May 20.

***Public Safety Commission***: Mayor Richardson stated that the Commission has recommended that the City reduce speed limits on residential streets from 25 mph to 20 mph. Discussion followed on how the City would enforce and prosecute violations of a speed limit that is not consistent with the State statutes. The City Clerk was directed to research the matter and work with the City Attorney to have an ordinance drafted. A brief discussion on a alcohol delivery site took place. Several Council members stated that they would like to see information showing that the delivery site would pay for itself before moving ahead with plans for the site.

***Transportation Commission***: Council Member Williams stated that the Commission would like Council input on regulation of the commercial vehicles. Council member Miller stated that he would like the Commission to investigate a road use tax.

***Youth Services Committee***: Council Member Miller reported that he was unable to attend today's Committee meeting , but that he would get minutes as soon as possible.

## IX. OLD BUSINESS

**Item A: Bethel Heights Solid Waste Recycling Proposal**

Council member Miller addressed the Council from the podium. Mr. Miller presented a plaque awarded by the Alaska Litter Prevention and Recycling Council, recognizing the City of Bethel. Mr. Miller then outlined a proposal to provide recycling bins to residents in Bethel Heights who wish to participate in a recycling program. Council member Williams asked if the Recycle Project has any future plans to recycle batteries. Mr. Miller noted that a battery recycling program is currently in place. Mayor Richardson asked if a survey of Bethel Heights residents had been conducted. Mr. Miller responded that a survey is currently being formulated, and will be conducted this fall. A review of the proposal was referred to the Public Works Committee.

**Item B: Update on Ridgecrest Drive Rehabilitation Project**

Council member Williams, who requested the agenda item, explained that he felt the Council and citizens needed an update on the status of the project, which was originally scheduled for completion in 1996. The project manager from Knik Construction explained how the project will proceed, noting that he hopes to be finished by August 1, 1997. In the meantime, there will be detours. Council member Miller asked if the project will include wider shoulders which could be used as bike paths. The project manager stated that the road will be 4 feet wider, so there should be more of a shoulder. Mayor Richardson asked if the shoulder will be paved. Mr. responded that he is unsure, but would guess that the shoulders will not be paved.

**Item C: Discussion - Kasayuli Subdivision**

Council member O'Brien explained why he placed this item on the agenda. He has discussed the issue of the road with several people who are directly involved with the project. Mr. O'Brien stated that he doesn't think the final plat should have been approved until the road was finished and accepted. He believes the handling of this subdivision sets a bad example. A lengthy discussion followed, with input from John Guinn, John Malone, Council members Miller, Notti, Rodgers, and Williams, Mayor Richardson, Dave Trantham, and City Manager Ken Weaver. It was suggested that the next step is for the Planning Commission to have an ordinance drafted by the City Attorney, for the Council to accept the disposal of City land used for the road.

**Item D: Discussion - Municipal Classification**

**motion** M/M by Williams, 2nd by Miller to direct the City Manager to work with the City Attorney to draft a ballot question to ask voters if they want to be a First Class or Home Rule city.

Mayor Richardson noted that the City will need to educate the public on the differences between First Class, Second Class, and Home Rule municipalities. A brief discussion followed.

**vote** Voice vote. Motion carried, unanimously.

## X. NEW BUSINESS

**Item A: Discussion - Dario Notti Vehicle Impoundment**

City Manager Weaver explained the history of Mr. Notti's claim. The City's insurance company has denied Mr. Notti's claim, and Mr. Weaver asked for Council direction. Council member Notti explained his side of the matter. A brief discussion followed.

**motion** M/M by Miller, 2nd by Rodgers to direct the City Manager to work with an independent appraiser to formulate an appropriate settlement for Mr. Notti.

**vote** Roll Call vote. Motion carried, 4-Yes, 2-No (O'Brien, Williams), 1-Abstain (Notti)

**Item B: Korean Church location issues (removed from agenda)**

**Item C: City Encroachment on Elsie Active property (removed from agenda)**

**Item D: Introduction of Ordinance #97-04, Amending the FY97 Budget for E-911 Services**

**motion** M/M by Miller, 2nd by O'Brien to introduce Ordinance #97-04.

Council member Miller asked if the new system would address the problem of erroneous 911 calls. City Manager Weaver explained that it would, and in addition, a new taping system will record all 911 calls.

**vote** Voice vote. Motion carried, unanimously.

**Item E: Resolution #97-25, Accepting DOT&PF Design Study Report for road improvements**
Mayor Richardson read the resolution.

**motion** M/M by O'Brien, 2nd by Williams to adopt Resolution #97-25.

Discussion followed on the pros and cons of using recycled asphalt for the road upgrades.

**vote** Voice vote. Motion carried, 6-Yes, 1-No (Richardson)

**Item F: Introduction of Ordinance #97-05, Changes to Vehicle for Hire Ordinance**

**motion** M/M by O'Brien, 2nd by Williams to introduce Ordinance #97-05.

Discussion followed on the proposed ordinance. Mr. James Libby and Mr. David O'Malley (a member of the Transportation Commission) addressed the Council in opposition to the ordinance.

**motion** S/M by O'Brien, 2nd by Williams to suspend the rules in order to continue the meeting beyond 10:00 p.m.

**vote** Voice vote. Motion carried, 6-Yes, 1-No (Rodgers)

**vote** Voice vote on main motion. Motion carried, 5-Yes, 2-No (Miller, Rodgers)

**Item G: Resolution #97-26, Disposal of City Property at 781 Third Avenue**
City Manager Weaver explained the reason for the Resolution. Mayor Richardson read the resolution for the record.

**motion** M/M by Miller, 2nd by Rodgers to adopt Resolution #97-26.

City Manager Weaver noted that the successful bidder will have to submit a City site plan indicating where they plan to move the building.

**vote** Voice vote. Motion carried, unanimously.

**Item H: Discussion - Mayor's Conflict of Interest**
Council member Miller, who requested the agenda item, explained that he felt the Mayor had several conflicts of interest related to her dealings with BNC, and that she had inappropriately contacted the employer of Mr. Bob Carlson, who spoke during a public hearing during the April 22, 1997 regular Council meeting. Mr. Miller asked the Mayor to either apologize to Mr. Carlson, or to resign. Mayor Richardson responded to Mr. Miller's complaints, and stated that she would neither resign nor apologize. Further discussion followed. The City Clerk was directed by the Mayor to read a memo from City Attorney Lee Sharp on the issue of the Mayor's potential conflict of interest. Discussion continued.

**motion** M/M by Williams, 2nd by Miller to remove Mayor Wally Richardson and Acting Mayor Tad Miller.

**vote** Roll call vote. Motion carried, 4-Yes, 3-No (Notti, Phillips, Richardson)

A 5-minute break was called and the City Clerk consulted with the City Attorney. At the conclusion of the break, nominations were taken for a new Mayor and Acting Mayor.

**motion** M/M by Richardson, 2nd by Notti to nominate Council member Rodgers as Mayor.

**vote** Voice vote. Motion carried, unanimously.

**motion** M/M by Williams, 2nd by Rodgers to nominate Council member O'Brien as Mayor.

**vote** Voice vote. Motion carried, 4-Yes, 3-No (Notti, Phillips, Richardson)

After nominations were closed, secret ballots were distributed, voted, and collected. 3 votes were cast for Council member Rodgers, 3 votes for Council member O'Brien, and 1 vote for Council member Phillips. The City Clerk noted that a runoff vote was necessary. The Council agreed to adjourn and conduct a new vote at the special Council meeting already scheduled for May 14, 1997.

**XIII. ADJOURNMENT**

**motion** M/M by Richardson, 2nd by Miller to adjourn the meeting at 11:00 p.m.

**vote** Voice vote. Motion carried, 5-Yes, 2-No (Notti, Phillips)

PASSED AND APPROVED THIS 27TH DAY OF MAY, 1997.

Agnes L. Phillips

Agnes L. Phillips, Mayor

ATTEST:

L J Tanner

L.J. Tanner, City Clerk