

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
June 27, 1995

I CALL TO ORDER

The meeting was convened at 7:30 p.m. by Mayor Wintersteen in the Log Cabin, Bethel, Alaska.

II ROLL CALL

Present: Chris, Harding, McComas, Swanson, Tubbs, Wintersteen

Absent: Miller (excused)

III PEOPLE TO BE HEARD

There were no people who wished to speak.

IV. APPROVAL OF MINUTES

motion M/M by Tubbs, 2nd by Joanne to approve the minutes of the June 13, 1995, regular meeting, the June 17, 1995, special meeting, and the June 22, 1995, special meeting as presented. Voice vote. Motion carried unanimously.

V. APPROVAL OF AGENDA AND CONSENT AGENDA

motion M/M by Tubbs, 2nd by McComas to approve, by consent, Old Business Items A, B and C and New Business Items A and B. Voice vote. Motion carried unanimously.

motion M/M by Swanson, 2nd by Tubbs to amend the agenda by adding Executive Session Item E: Legal Strategy--Thompson v. City of Bethel and Item F: Legal Strategy--YKHC v. TIPSAs. Voice vote. Motion carried unanimously.

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

VI MAYOR'S REPORT

Mayor Wintersteen referred Council to his written report, and requested Council's direction regarding the letter from Bethel Utilities Corporation concerning utility easements.

motion M/M by McComas, 2nd by Swanson to direct the City Attorney to draft an ordinance that would establish utility easements in the City's rights-of-way. Voice vote. Motion carried unanimously.

Mayor Wintersteen read the proclamation declaring July 16-22, 1995, as "We are Awakening" Week in Bethel.

motion M/M by Chris, 2nd by Tubbs to ratify the "We are Awakening" Week proclamation. Voice vote. Motion carried unanimously.

Mayor Wintersteen then referred Council to the remainder of his written report.

VII MANAGER'S REPORT

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

1. Sales Tax Collection Policy

City Manager Hunter explained that this and the following policies would put into effect a systematic approach to long-standing problems with collections and requested Council approval.

motion M/M by Chris, 2nd by McComas to approve the Sales Tax Collection Policy. Voice vote. Motion carried unanimously.

2. Ambulance Revenue Collection Policy

City Manager Hunter explained that this policy would provide authorization to issue a Request for Proposals to contract for third party billing of ambulance charges.

motion M/M by Tubbs, 2nd by Swanson to approve the Ambulance Billing Collection Policy. Voice vote. Motion carried unanimously.

3. Protective Custody Collection Policy

City Manager Hunter explained that this policy involved hiring a collection agent that would be paid only if funds are collected.

motion M/M by Swanson, 2nd by Chris to approve the Protective Custody Collection Policy. Voice vote. Motion carried unanimously.

4. **Delinquent Utility Accounts and Returned Checks Collection Policies**

motion M/M by Chris, 2nd by Tubbs to approve the Delinquent Utility Accounts and Returned Checks Collection Policies. Voice vote. Motion carried unanimously.

5. **Sewer Lagoon Topsoil Request**

City Manager Hunter explained that the large pile of topsoil resulting from the sewer lagoon excavation was an eyesore and health hazard and requested Council approval to allow the City to provide the soil free of charge to citizens.

motion M/M by McComas to approve the request to provide the soil to citizens with an amendment to exclude giving it to businesses unless they do not charge the customer for the soil.

Council member Chris asked that the Council approve the donation of the soil to the Community Garden and then distribute whatever is left over to the citizens.

Council member Harding added that he would like to see the City use the soil on parks and playgrounds.

Motion and second withdrawn.

Mayor Wintersteen asked if the Council would agree to directing the City Manager to provide the soil to the Community Garden, then distribute it to the City's parks, then retain the remaining soil for the City's use. Council agreed by consensus.

VIII **REPORTS OF STANDING COMMITTEES**

Scheduled dates for upcoming Committee/Commission meetings were announced

Council member McComas reported the Planning Commission had approved a proposed ordinance requiring utility lines be buried, and that the ordinance would be introduced at the next meeting. Mr. McComas also reported that another subdivision was proposed off of BIA road, but no preliminary plat had been brought before the Commission for approval.

Council member Tubbs reported the Finance Committee met on June 15, 1995, and discussed the Chamber of Commerce's review of an applicant's Sales Tax payment history for membership in the Chamber. Mr. Tubbs reported that the July meeting of the Committee had been canceled due to a lack of a quorum.

Council member Chris reported that the Port Commission did not meet due to conflicting activities on the Dock.

Mayor Wintersteen asked Ms. Chris if the Port Commission had made any recommendation regarding the request to bury electrical lines on the Dock. Ms. Chris responded that the Commission had approved the request. Mayor Wintersteen stated that such a request had to be approved by the Council. Ms. Chris questioned why. City Manager Hunter answered that the Port Commission does not have the authority to make these types of decisions, only the City Manager or City Council. Ms. Chris responded that she was unaware that the City Manager had not had input into this issue, as it seemed that it was not a new issue. Ms. Chris also asked if the City had the authority to bury the lines, or would it need to get permission from the State. Mr. Hunter stated that he was not sure of the City's authority, but that he would look into the matter further and report back to Council. Ms. Chris stated that there has been a problem in the lack of communication between the Port and City Administration, and requested more communication in the future to avoid issues such as these.

Council member Swanson reported that the Transportation Commission met June 21, 1995, and heard two Chauffeur's License Denial appeals, of which the Commission granted one appeal and refused the other.

Mayor Wintersteen reported that the Senior Services Committee met June 14, 1995, and agreed to open an account through the Finance Department for sales from crafts made by the Seniors. Mayor Wintersteen also reported that the nursing home fund had grown to more than \$21,000, and the Adult Day Care program had a new coordinator, John Kim, as well as a new cook.

IX. OLD BUSINESS

Item A: Introduction of Ordinance #95-12: An Ordinance Amending Section 4.16.010 of the Bethel Municipal Code, Entitled Definitions
Passed by consent

Item B: Introduction of Ordinance #95-18: An Ordinance Authorizing the Disposal/Lease of Property in Furtherance of Development of Local Trade or Industry--Omni Enterprises
Passed by consent

ITEM C: Resolution #95-34: A Resolution Authorizing the Issuance of an RFP for an Enhanced 911 System Program for the City of Bethel
Passed by consent

Item D: Discussion Item--Cemetery

motion M/M by Swanson, 2nd by Tubbs to table this item to the next meeting. Voice vote. Motion carried unanimously.

Item E: Discussion Item--Endowment Fund

motion M/M by McComas, 2nd by Tubbs to table this item to the next meeting. Voice vote. Motion carried unanimously.

Item F: Discussion Item--Impound Yard

motion M/M by Tubbs, 2nd by McComas to move the impound yard from the Public Works Shop area to the Bus Barn.

Council member McComas asked what to do with the large number of impounded vehicles that would not fit in the Bus Barn. Mayor Wintersteen suggested directing the City Manager to develop a policy and direct the Police Department to send notices to the owners of the vehicles and set an auction in 30-60 days.

Council member Chris suggested the Police Department establish a policy for the ongoing cleaning out of the impound yard instead of waiting for Council to set an auction date.

City Manager Hunter reminded Council that the Bus Barn could not be utilized until it or the Bojangles building was moved.

Motion and second withdrawn.

motion M/M by Tubbs, 2nd by Harding to direct the City Manager to look into an impounded vehicle and surplus equipment sale within sixty days. Voice vote. Motion carried unanimously.

motion M/M by Chris, 2nd by Swanson to direct the City Manager to establish a policy for the ongoing purging of impounded vehicles as appropriate. Voice vote. Motion carried unanimously.

Item G: Discussion Item--Ambulance Billing

This item was discussed in the City Manager's Report

X. NEW BUSINESS

Item A: Introduction of Ordinance #95-20: An Ordinance Amending Title 4 of the Bethel Municipal Code by Adding a New Chapter 4.10, Entitled Disposal of Personal Property of the City
Passed by consent

Item B: Resolution #95-36: A Resolution Accepting a Multi-Jurisdictional Task Force Project Grant Award
Passed by consent

XI COUNCIL MEMBER COMMENTS

Council member Chris asked that, if the City Manager or Mayor had a problem with some action she or a committee she served on had taken, that they call her prior to a meeting so that she would be able to prepare a response effectively. Ms. Chris stated that if there was a problem between the City Manager or Council and a committee, then the Council needed to deal with it so it is not an ongoing problem. Ms. Chris stated that the Council needed to provide direction to its committees and commissions.

Council member Harding wished everyone an enjoyable and safe Fourth of July.

Council member Swanson stated she would be absent from the last meeting in July. Ms. Swanson also stated that she had felt welcomed and supported by a lot of people since her appointment to the Council and she thanked everyone for their encouragement. Ms. Swanson welcomed the participants in the Rural Providers Conference and encouraged people in Bethel to welcome the attendees as well.

Mayor Wintersteen wished everyone a sane and safe Fourth of July, and reminded parents to supervise their children when shooting off fireworks. Mayor Wintersteen thanked Council member McComas for attending the meeting with the upland owners, and welcomed the City Clerk's mother to the meeting.

XII EXECUTIVE SESSION

- Item A: APEA Negotiations
- Item B: Legal Issue--Executive Session Confidentiality
- Item C: Legal Strategy--Seal v. City of Bethel
- Item D: Legal Strategy--Nunapitchuk, Ltd. v. City of Bethel
- Item E: Legal Strategy--Thompson v. City of Bethel
- Item F: Legal Strategy--YKHC v. TIPSAs

motion M/M by Chris, 2nd by McComas to go into Executive Session for the purpose of discussing APEA Negotiations, Legal Issue--Executive Session Confidentiality, Legal Strategy--Seal v. City of Bethel, Legal Strategy--Nunapitchuk, Ltd. v. City of Bethel, Legal Strategy--Thompson v. City of Bethel, and Legal Strategy--YKHC v. TIPSAs. Voice vote. Motion carried unanimously.

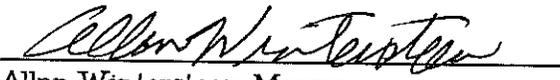
motion M/M by McComas, 2nd by Harding to come out of Executive Session. Voice vote. Motion carried unanimously.

motion M/M by McComas, 2nd by Chris to direct the City Attorney to draft an ordinance protecting Executive Session confidentiality, if none exists, and to provide penalties for anyone violating the ordinance. Voice vote. Motion carried unanimously.

III. ADJOURNMENT

motion M/M by McComas, 2nd by Chris to adjourn the meeting at 10:10 p.m. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 11TH DAY OF JULY, 1995.


Allan Wintersteen, Mayor

ATTEST:


Connie Tucker, City Clerk