

City of Bethel
City Council

Regular Meeting of February 28, 1995

I. CALL TO ORDER

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

II. ROLL CALL

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

Absent: Twitchell (excused)

III. PEOPLE TO BE HEARD

Bonnie Duke, Finance Director, addressed the Council and voiced her support for extending the City Manager's contract, as the Finance Department and the budget process would be greatly affected by any disruption in management. Ms. Duke stated she had learned much from Mr. Hunter, even when they disagreed. Ms. Duke urged the Council not to base their decision on feelings, but on what was best for the City through the budget process. Ms. Duke also pointed out that extending the contract would enable a smooth transition for the next City Manager.

IV. APPROVAL OF MINUTES

motion M/M by Miller, 2nd by Chris to approve the minutes of the February 14, 1995, regular meeting as presented. Voice vote. Motion carried unanimously.

IV. APPROVAL OF CONSENT AGENDA/REGULAR AGENDA

motion M/M by Tubbs, 2nd by Miller to approve by consent, Items A, B and D under New Business. Voice vote. Motion carried unanimously.

motion M/M by Chris, 2nd by Miller to amend the agenda by removing Executive Session Item F. Voice vote. Motion carried unanimously.

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

V. MAYOR'S REPORT

Mayor Wintersteen reminded Council members of the attendance requirements contained in the Bethel Municipal Code. Mayor Wintersteen also reminded Council of the Conflict of Interest Statements due April 15.

Mayor Wintersteen then referred Council to his written report. Council member Chris asked the City Manager to estimate the amount of fuel tax collected on boats and watercraft as requested by the City's Lobbyist.

The Council then named the following people as the Council's nominees for the Bill Bivin Memorial Award through the Chamber of Commerce: Dave Trantham, Lyman Hoffman, Peter Jacobs, Linda Curda. By consensus, the Council agreed to vote on the nominees following the Manager's Report.

VII. MANAGER'S REPORT

City Manager Hunter reviewed his written report with Council and requested direction on the following items:

1. Youth Center/4-H Director

City Manager Hunter reviewed the proposal to combine the City's Youth Services Program Coordinator with Cooperative Extension's 4-H Director, with the City financing half of the salary and benefits. Mr. Hunter stated City Administration and the Youth Services Program Coordinator support the concept.

motion M/M by Miller, 2nd by Chris to approve the merger of the positions, with the condition that Council review and approve the agreement. Poll vote. Motion carried, 6-yes, 0-no.

2. Request for RFP

City Manager Hunter reviewed the requirements for the auditing services contract, and stated that the current contract had expired and had been extended one year past the expiration date.

motion M/M by Miller, 2nd by Tubbs to issue a Request for Proposals for auditing services. Voice vote. Motion carried unanimously.

3. VHF Monitoring

City Manager Hunter referred Council to the information in their packets regarding the Attorney General's response to a request for an opinion on liability incurred with monitoring VHF Channel 16. Mr. Hunter also distributed further information from the Troopers, which suggested a Memorandum of Agreement for monitoring the VHF channel.

Council member Miller suggested paralleling the new MOA with the existing MOA the Police Department had for providing dispatch services after hours.

motion M/M by Miller, 2nd by Harding to begin instituting 24 hour VHF monitoring through the Police Department dispatch.

motion M/M by Miller, 2nd by Harding to amend the motion to direct the City Manager to prepare an MOA to begin instituting monitoring. Voice vote. Motion carried unanimously.

Discussion followed regarding legal requirements for monitoring and staffing.

vote Poll vote on the amended motion. Motion carried. 5-yes, 1-no (Wintersteen).

4. Fuel Hauling Bid

City Manager Hunter referred Council to the request to readvertise the Fuel Hauling Services Bid.

motion M/M by McComas, 2nd by Tubbs to readvertise the Fuel Hauling Services Invitation for Bids as soon as possible. Voice vote. Motion carried unanimously.

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

Discussion followed regarding the ambulance repair and the difficulty in obtaining parts due to the age of the ambulance. Council member Chris asked for further information concerning the amount of money collected for ambulance services in comparison to the cost of providing the service, and also asked if any negotiations were occurring for the health corporation to provide ambulance services instead of the City. Mr. Hunter responded that negotiations were occurring to have the health corporation take care of protective custody cases, and once that issue was resolved, he would approach them about ambulance services.

motion M/M by Miller, 2nd by Chris to direct the City Attorney to begin negotiations with the upland owners to provide a fair resolution to a decade-long dispute and avoid litigation.

City Manager Hunter distributed a letter from the City Attorney to an upland owner's attorney regarding the appropriate conduct in discussing this issue, and stated that any potential litigation is forwarded to the attorney for his review.

Motion and second withdrawn.

motion M/M by Miller, 2nd by McComas to direct the City Manager to work with the City Attorney to begin negotiations to develop a mutually fair lease/ordinance with the upland owners.

Council member Chris asked that City Administration provide information on the City's rights, riparian rights, and the difference between rights of access and rights of ownership before the

Council proceeds with the leases.

vote Poll vote on the main motion. Motion carried, 6-Yes, 0-No.

At this time, Council conducted balloting on the candidates for nomination for the Bill Bivin Memorial Award. The balloting resulted in a tie between Lyman Hoffman and Linda Curda. The Council agreed to forward both names as its nominees.

VIII. REPORTS OF STANDING COMMITTEES

Scheduled dates for upcoming Committee/Commission meetings were announced.

Council member McComas reported that the Planning Commission met on February 23 and approved a plat for a new subdivision on BIA road. Mr. McComas stated that the Commission also discussed road maintenance and utility services to BIA road, as the health corporation is planning on utilizing the BIA site for staff members and will need water and sewer services.

Council member Tubbs reported that the Finance Committee met on February 23 and read the Committee's recommendation regarding extending the City Manager's contract through the budget process. The Committee also recommended that all future City Manager contracts expire at the end of the fiscal year.

Council member Miller reported that the Public Works Committee met on February 21 and discussed the Sewer Lagoon project and piped water and sewer. Mr. Miller relayed the Committee's recommendation that the City purchase another water truck and not the dump truck that was budgeted.

Council member Chris reported that the Port Commission had not met due to a lack of a quorum, and also apologized for not bringing to Council's attention the Commission's request from the January meeting to dispose of eight 8"x32' pipes through a notice of disposal if they are not needed by Public Works. Council asked the City Manager to determine the price of the pipe for disposal and to determine if the pipes are needed by Public Works.

Council broke at 8:40 p.m. for a short recess. At 8:45 p.m., Mayor Wintersteen called the meeting back to order.

Council member Miller left the meeting at 8:40 p.m.

IX. OLD BUSINESS

ITEM A: Public Hearing--Ordinance #95-01: An Ordinance Amending Chapter 9.08.050 Fireworks and Explosives

Mayor Wintersteen briefly explained the intent of the ordinance and opened the Public Hearing. There being no one who wished to speak, Mayor Wintersteen closed the Public Hearing.

motion M/M by Tubbs, 2nd by McComas to adopt Ordinance #95-01. Poll vote. Motion carried, 5-yes, 0-no.

ITEM B: Public Hearing--Ordinance #95-02: An Ordinance Amending Chapter 18.32.050 Minimum Setback Requirements by Adding Subsection (C)

Planning Manager David Post briefly explained that this ordinance would assist developers and bring the codes more in line with the intent of the Planning Commission.

Mayor Wintersteen 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 Tubbs to adopt Ordinance #95-02. Poll vote. Motion carried, 5-yes, 0-no.

ITEM C: Public Hearing--Ordinance #95-04: An Ordinance Amending Chapter 18.80.040(B) Non-conforming Structures and Uses of Land

Mayor Wintersteen briefly explained the intent of this ordinance was to prohibit reconstruction of non-conforming structures if more than 75% of the original structure was destroyed.

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 Chris, 2nd by Harding to amend Ordinance #95-04 to include a definition of non-conforming structures. Voice vote. Motion carried unanimously.

motion M/M by Chris, 2nd by Harding to adopt Ordinance #95-04 as amended. Poll vote. Motion carried, 5-yes, 0-no.

ITEM D: Public Hearing--Ordinance #95-05: An Ordinance Amending Ordinance #94-13 Establishing a City of Bethel Budget for the Fiscal Year Beginning July 1, 1994

City Manager Hunter explained that this ordinance was part of the process of maintaining a balanced budget, and the line item transfers would have no fiscal impact on the City.

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

motion M/M by Tubbs, 2nd by McComas to adopt Ordinance #95-05. Poll vote. Motion carried, 5-yes, 0-no.

X. NEW BUSINESS

ITEM A: Introduction of Ordinance #95-06: An Ordinance Authorizing the Disposal/Sale of Property to an Entity Providing a Necessary Public Service--ADOT

Approved under Consent Agenda. Public Hearing set for March 14, 1995.

ITEM B: Resolution #95-15: A Resolution Authorizing the Application for Matching Funds Through the Rural Community Fire Protection Program

Approved under Consent Agenda

ITEM C: Resolution #95-16: A Resolution Superseding Resolution #94-21, Providing for the Re-establishment of Council Standing Committees

Council member Harding spoke to the resolution, discussing areas of concern with the present committees, such as training, roles and projects for the committees, and ways to address those concerns.

motion M/M by Harding, 2nd by Chris to adopt Resolution #95-16 as presented.

Mayor Wintersteen pointed out that this resolution would only re-establish four of the current committees, and the Public Safety Committee would cease to exist.

Discussion followed on the function of the Public Safety Committee and training for remaining committees.

vote Poll vote on the motion. Motion carried, 5-yes, 0-no.

ITEM D: Resolution #95-17: A Resolution in Accordance with Title 4 of the Bethel Municipal Code Regarding Budget and Audit

Approved under Consent Agenda

ITEM E: Committee/Commission Rules of Procedure

Connie Tucker, City Clerk, addressed the Council on the method of developing these Rules of Procedure and explained the major differences between the Council's Rules and the proposed Committee/Commission Rules.

Ms. Tucker also referred Council to her suggestions for Council oversight of the Committees and Commissions, which included hiring a part-time Commission Clerk whose primary function would be to attend all committee/commission meetings, record minutes and serve as parliamentarian; providing training to all committees/commissions on their respective roles and functions; and dissolving committees if Council could not provide adequate oversight.

Council member Chris questioned the monthly meeting requirement and suggested the committees/commissions not meet if no business assigned.

Mayor Wintersteen postponed further discussion on this item until the March 14, 1995, regular Council meeting.

XI. COUNCIL MEMBER COMMENTS

Council member Tubbs stated he had heard comments regarding the City dump not operating full-time and was concerned that the public had enough access to dispose of their trash.

Council member Chris reminded everyone that it was Spring Fever time and suggested looking for positives, not negatives. Ms. Chris advised Council to look at both sides of a question and added that the Council was elected because of their intelligence and desire to do what is right. Ms. Chris added that it was important to note that a lot of people in Bethel do not say much.

XII. EXECUTIVE SESSION

- ITEM A: Discussion Item--Committee Members Removal**
- ITEM B: Labor Matters--APEA Contract Negotiations**
- ITEM C: Legal Strategy--YKHC v. TIPSA et al**
- ITEM D: Legal Strategy--Tomaganuk House**
- ITEM E: Legal Strategy--Pete v. City of Bethel**
- ITEM F: City Manager Contract Extension Discussion**

motion M/M by Chris, 2nd by McComas to go into Executive Session for the purpose of discussing Committee Members Removal, Labor Matters--APEA Contract Negotiations, Legal Strategy--YKHC v. TIPSA et al, Legal Strategy--Tomaganuk House, Legal Strategy--Pete v. City of Bethel, and City Manager Contract Extension. Voice vote. Motion carried unanimously.

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

Mayor Wintersteen read the following statement from the Council regarding the labor contract negotiations:

"The proposals which have been offered by the City to the Union originated and were developed by the City Council. Any decisions made regarding these negotiations are made at the direction of the City Council. William has been taking heat on this and we want this clear, a very clear record that those decisions are our decisions and the buck stops with us. The contract we're negotiating is not William's contract, it is the Council's contract."

motion M/M by Chris, 2nd by McComas to direct the City Manager to solicit bids for the disposal of the Tomaganuk house. Voice vote. Motion carried unanimously.

motion M/M by Tubbs, 2nd by Chris to extend the City Manager's contract as provided in his proposal. Poll vote. Motion carried, 4-yes, 1-no (Harding).

XIII. ADJOURNMENT

motion M/M by Chris, 2nd by Harding to adjourn the meeting at 11:05 p.m. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 14TH DAY OF MARCH, 1995.


Allan Wintersteen
Allan Wintersteen, Mayor

ATTEST:


Connie Tucker
Connie Tucker, City Clerk