

CITY COUNCIL

*Donna Chris
Kent Harding
Buford McComas
Tad Miller
Joanne Swanson
Don Tubbs
Allan Wintersteen, Mayor*



CITY MANAGER
Ken Weaver

CITY CLERK
Connie Tucker

City of Bethel
Regular Council Meeting Minutes
September 26, 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, Miller, Swanson, Tubbs, Wintersteen

III PEOPLE TO BE HEARD

Mayor Wintersteen introduced Darren Lieb, LKSD sponsor, who informed Council that student council members from eight villages were in Bethel to attend the Association of Village Student Council meeting and would be observing the City Council. The student council members introduced themselves to the Council and the Mayor welcomed them.

Jay Barrett, KYUK, invited everyone to the Council candidate forum Thursday, September 28, 1995, at the Cultural Center. Mr. Barrett also invited people to watch the forum on prohibition that would air Wednesday, September 27, 1995, at 7:00 p.m. with groups from Barrow and Bethel speaking.

Will Updegrave, Bethel, read a prepared statement to the Council, which is attached as part of these official minutes.

motion M/M by Chris, 2nd by Swanson to draft and send a resolution as requested by Mr. Updegrave.

Council member Chris thanked Mr. Updegrave for bringing this issue to the Council and added that this was another example of the *Tundra Drums* going beyond responsible journalism.

Council member McComas stated that, while the *Drums* has a right to publish editorials, he was not opposed to asking them to provide documentation.

Council member Miller disagreed with the motion, stating that it would invite censorship of the press.

Council member Swanson and Mayor Wintersteen expressed concern that the editorial was accusing the voting process in Bethel of wrongdoing. Mayor Wintersteen added that he had not heard of any allegations in the 21 years he has lived in Bethel.

Council member Chris added that there is a difference between expressing an opinion and alleging wrongdoing, adding that the newspaper should not slander someone's practices without accountability.

vote Poll vote on the motion. Motion carried, 4-Yes, 3-No (Harding, McComas, Miller).

IV. APPROVAL OF MINUTES

motion M/M by Miller, 2nd by Harding to approve the minutes of the September 12, 1995, special meeting and the September 12, 1995, regular meeting as presented. Voice vote. Motion carried unanimously.

V. APPROVAL OF AGENDA AND CONSENT AGENDA

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

motion M/M by Miller, 2nd by Tubbs to amend the agenda by adding New Business Item D: Introduction of Ordinance #95-26: An Ordinance Amending the FY 1995-96 Annual Budget. Voice vote. Motion carried unanimously.

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

VI. MAYOR'S REPORT

Mayor Wintersteen appointed Donna Chris to fill the vacancy on the Port Commission.

motion M/M by Miller, 2nd by McComas to ratify the appointment. Voice vote. Motion carried unanimously.

Mayor Wintersteen then referred Council to the leave request of the City Clerk.

motion M/M by Miller, 2nd by Tubbs to approve the City Clerk's leave request. Voice vote. Motion carried unanimously.

Mayor Wintersteen then read his guest editorial, which is attached as part of these official minutes.

Mayor Wintersteen informed Council that he would be leaving town the next day and asked Council to appoint an acting Mayor until the new Council is seated. Council member Miller nominated Council member Chris, who declined. Council member Harding nominated Council member Miller, who declined. Council member Miller nominated Council member Tubbs, who declined.

motion M/M by Swanson, 2nd by Miller to appoint Council member Harding as Acting Mayor. Voice vote. Motion carried unanimously.

Mayor Wintersteen then referred Council to his written report and asked the community to send donations to the Kalskag fire department fund, and to call the City Clerk for further information.

Mayor Wintersteen referred Council to the information regarding the Alaska Rural Development Council and asked the City Manager to obtain more information on this organization.

VII MANAGER'S REPORT

City Manager Weaver referred Council to a letter from the Corps of Engineers regarding the status of needed money for the Bank Stabilization project. Mr. Weaver stated that the letter was a reminder to the City that it would need to get more money from the State so that the project would not be interrupted.

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

1. Fire Department Floor Resurfacing

City Manager Weaver asked Fire Chief George Young to address this issue. Chief Young reminded Council that this item had been discussed during the budget process, and added that there was a sense of urgency because of the approaching cold weather.

motion M/M by Miller, 2nd by Chris to authorize the City Manager to issue an Invitation for Bids and to award the bid to the lowest responsive bidder without bring it to Council. Voice vote. Motion carried unanimously.

2. Tomaganuk House Disposal

City Manager Weaver stated that he had received a request from a citizen to remove the Tomaganuk House at no charge to the City. Mr. Weaver requested Council rescind its earlier

motion authorizing Public Works to demolish and remove the house and then authorize the citizen to remove the house.

motion M/M by Miller to postpone the issue until the fiberglass building has been moved by the City. There was no second.

motion M/M by Chris, 2nd by Swanson to rescind the August 22, 1995, motion authorizing the Public Works Department to demolition of the Tomaganuk House. Voice vote. Motion carried, 6-Yes, 1-No (Miller).

motion M/M by Chris, 2nd by Buford to authorize Dean Puchalski to remove the house from the property within thirty days at no cost to the City, with no charge from the City, and with Mr. Puchalski signing a hold harmless agreement. Poll vote. Motion carried, 6-Yes, 1-No (Miller).

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

City Manager Weaver referred Council to the memo regarding contesting the DCRA population determination. After discussion regarding costs and time involved in determining the population, the Council agreed to take no action.

Mayor Wintersteen drew attention to the report from the Public Works Director that stated that the new sewer lagoon would be operational October 1, 1995. Council requested Mr. Parsi notify them when the new dike would be opened.

City Manager Weaver then presented the outgoing Council members with certificates of appreciation.

VIII REPORTS OF STANDING COMMITTEES

Scheduled dates for upcoming Committee/Commission meetings were announced

Council member Swanson reported that the Transportation Commission had no quorum.

Council member Harding reported that the Youth Services Committee had not met.

Council member Chris reported that the Port Commission met on September 18 and discussed establishing the Port as a department.

Council member McComas reported that the Planning Commission met on September 21, but he was unable to attend.

Council member Miller reported that the Public Works Committee would meet in October.

Mayor Wintersteen referred the Council to the minutes of the Senior Advisory Committee in their packet.

John Watts, Chairman of the Transportation Commission, announced his resignation from the Commission as he had accepted a new position. Mayor Wintersteen thanked Mr. Watts for his service.

motion M/M by McComas, 2nd by Chris to direct the City Manager to look for City property to donate to the new nursing home.

Discussion followed on waiting for other entities to step forward and offer land for this use.

Motion and second withdrawn.

Council broke for a short recess at 8:50 p.m. Mayor Wintersteen called the meeting to order at 9:00 p.m.

IX OLD BUSINESS

Item A: Lease of Lot 1B, Block 5, USS 870--Korean Community

City Manager Weaver stated that the proposed lease had been reviewed by attorneys for both sides and the current version was a compromise that was agreeable to all.

Kilsoo Seo, Korean Community, addressed Council and thanked them for their support. Mr. Seo stated that they wanted the option to renew the lease because of the expense involved in moving the building. Mr. Seo also stated that the sublease clause to a community service organization would help with the expense of operating the building.

Council member Miller questioned the sublease clause, asking why the City does not lease to the organizations directly. Mayor Wintersteen responded that the City cannot afford to upgrade and move the building itself.

motion M/M by Tubbs, 2nd by McComas to accept the lease with the Korean Community. Poll vote. Motion carried, 7-Yes, 0-No.

Item B: Public Hearing--Ordinance #95-24: An Ordinance Amending Section 4.16.120, Entitled Interest for Delinquency, Section 4.16.190(C), Entitled Refund of Sales Tax--Interest, Section 13.04.270(D), Entitled Delinquent Accounts, Section 13.08.220(D), Entitled Delinquency, and Section 13.12.080(D), Entitled Delinquency of the Bethel Municipal Code.

Mayor Wintersteen explained the changes in the ordinance were to bring the City's rate in line with the amount allowed by law.

Finance Director Bonnie Duke stated that the City is currently charging the correct amount, but this ordinance would update the Code.

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

motion M/M by Miller, 2nd by Chris to adopt Ordinance #95-24. Poll vote. Motion carried, 7-Yes, 0-No.

Item C: Public Hearing--Ordinance #95-25: An Ordinance Authorizing the Acquisition of an Easement for Drainage Across Lot 3, Block 4 of Block 9, USS 3770

Mayor Wintersteen opened the Public Hearing.

Steve Wiesner, Bethel, addressed the Council stating that this drainage had been a problem for the past twenty years. Mr. Wiesner also stated that he had been trying for 4-5 years to get the City to install a culvert across the road and he appreciated the action.

Discussion followed on the exact location of the drainage easement.

There being no other people who wished to speak, Mayor Wintersteen closed the Public Hearing.

motion M/M by Miller, 2nd by Chris to adopt Ordinance #95-25.

Council member Miller requested that the \$500 payment be taken from the line item for Napakiak Road Reconstruction.

vote Poll vote on the motion. Motion carried, 7-Yes, 0-No.

X NEW BUSINESS

Item A: Resolution #95-47: A Resolution Requesting Capital Funding Through the State of Alaska Village Safe Water Program

Passed by consent

Item B: Resolution #95-48: A Resolution Applying for Municipal Capital Project Matching Grant Program for FY97

Passed by consent

Item C: Youth Services Committee Presentation

Paula Stybor, Youth Services Program Coordinator, addressed the Council and gave a brief history of the difficulty in retaining members on the Committee. Ms. Stybor suggested that, if the attendance problems do not get better, to disband the Committee and appoint a Council

representative to meet with Ms. Stybor monthly and report back to Council. Ms. Stybor also asked for ideas from the Council on keeping the committee active.

Council member Chris suggested the Committee meet quarterly, instead of monthly, which might improve attendance.

Mayor Wintersteen suggested Ms. Stybor return to discuss the committee's role further after the new committee members and Council members are settled.

Item D: Introduction of Ordinance #95-26: An Ordinance Amending the Adopted FY1995-96 Annual Budget

motion M/M by Miller, 2nd by McComas to introduce Ordinance #95-26. Voice vote. Motion carried unanimously.

XI COUNCIL MEMBER COMMENTS

Council member Harding thanked the student council members for attending, and commented that the size of the audience was one of the largest this Council had seen.

Council member Swanson thanked the Mayor and City Clerk for their assistance and professionalism, and thanked Finance Director Duke for her instruction on financial matters. Ms. Swanson stated that she thought this Council was able to function productively.

Council member McComas stated he had enjoyed working with the Council members that were leaving and reminded people to get out and vote, adding that Barrow went dry by seven votes. Mr. McComas reiterated his position on the local option question.

Council member Tubbs thanked all of the people in Bethel that elected him, thanked his wife for putting up with his service on Council, thanked William Hunter and Ken Weaver for their service to the City, thanked the City Clerk for keeping the Council informed, thanked the Council members he had served with, thanked Jim Feaster for encouraging him to run, thanked Donna Chris for her service as Mayor, thanked Allan Wintersteen for his service as Mayor, thanked his employers for allowing him the time off for Council functions, and thanked all others who had supported him.

Council member Miller thanked everyone for his engaging experience on Council. Mr. Miller emphasized that there were so many more issues ongoing than just the dry initiative, adding that the issues would require dedication and creativity to utilize experience for the betterment of the City. Mr. Miller also reiterated his position on the local option question.

Mayor Wintersteen stated that whether or not Bethel is dry after October 3, he hoped that both sides would use their energies to help Bethel and treat the causes of the alcohol problem.

Council member Chris stated that when the legislature declared alcoholism a disease, they took away municipalities' rights to have drunk in public laws. Ms. Chris stated that the

community needed to petition the legislature to allow communities to make use of people who create problems through community service work. Ms. Chris also stated that, no matter who is elected to Council, they would do a good job if the community will support the Council.

XII EXECUTIVE SESSION

Item A: Legal Strategy--YKHC v. TIPSA

Item B: Labor Negotiations--Health Care Benefits

motion M/M by McComas, 2nd by Tubbs to go into Executive Session for the purpose of discussing Legal Strategy--YKHC v. TIPSA and Labor Negotiations--Health Care Benefits. Voice vote. Motion carried unanimously.

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

motion M/M by Chris, 2nd by McComas that the City of Bethel withdraw from TIPSA effective immediately. Voice vote. Motion carried unanimously.

motion M/M by McComas, 2nd by Tubbs to accept the City Manager's recommendation to purchase health insurance from the Alaska Trust Insurance Plan (ATIP), subject to the emergency procurement procedures, on a month to month basis, and to follow the City Manager's recommendations regarding collective bargaining and issuing an RFP for employee group benefits. Voice vote. Motion carried unanimously.

XIII ADJOURNMENT

motion M/M by Tubbs, 2nd by Chris to adjourn the meeting at 10:40 p.m. Voice vote, Motion carried unanimously.

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



Ruth M. Richardson, Mayor

ATTEST:


Connie Tucker, City Clerk