

City of Bethel
City Council

Regular Meeting of February 8, 1994

I. CALL TO ORDER

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

II. ROLL CALL

Present: Chris, Jones, Metcalfe, Miller, Trantham,
Tubbs, Wintersteen

Councilmember Miller was excused for the last half of the meeting.

III. PEOPLE TO BE HEARD

Sharon Hanek with the Federal Aviation Administration stated that the FAA would like to purchase the 3.31 acres of property adjacent to the existing FAA housing area instead of leasing as provided for in Ordinance #93-14. Additionally, the FAA would like the City to extend the sewer line to the FAA complex. While the construction would be the responsibility of the City, upon completion, the city's total cost would be reimbursed by the FAA through an "aid to construct" (see Aid to Construct proposal submitted by the FAA attached as part of these official minutes). Progress payments would be made upon completion of certain phases of construction. Upon completion, the City would be responsible for maintenance and the costs associated with maintenance of the sewer line.

Police Chief Liu read letters of commendation to Sgt. Andre Achee and Investigator Robert Nelson into the record (copies of the letters are attached as part of these official minutes).

Dennie Strom spoke in opposition to the trapping ordinance submitted for Council consideration.

IV. APPROVAL OF MINUTES

motion M/M by Jones, 2nd by Trantham to approve the minutes of the January 25, 1994, regular meeting as presented. Voice vote. Motion carried unanimously.

CITY COUNCIL MINUTES

PAGE 2

February 8, 1994

motion M/M by Jones, 2nd by Trantham to approve the minutes of the January 27, 1994, regular meeting as presented. Voice vote. Motion carried unanimously.

IV. APPROVAL OF CONSENT AGENDA/REGULAR AGENDA

Councilmember Jones requested New Business Item D (Introduction to Ordinance #94-04) be removed from the Consent Agenda.

motion M/M by Jones, 2nd by Tubbs to remove Item D from the agenda altogether.

The motion was withdrawn by both Jones and Tubbs after Councilmember Miller, who proposed Ordinance #94-04, agreed to withdraw it for introduction. Councilmember Miller requested the resolution suggested by City Attorney, Brooks Chandler, be placed on the February 22, 1994, agenda and considered at that meeting.

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

motion M/M by Miller, 2nd by Tubbs to amend and approve the regular agenda by removing Item I (Executive Session). Voice vote. Motion carried unanimously.

V. MAYOR'S REPORT

Mayor Chris referred Council to a letter from Sharon Trish requesting the Council consider establishing and appointing a committee on children and youth for Bethel. Councilmember Trantham stated that the Youth Services Committee had briefly discussed Ms. Trish's proposal and conveyed its support of the concept, with the stipulation that the regulation of the committee did not fall under the responsibility of the City Council. Mayor Chris stated that she would notify Ms. Trish of the recommendation from Youth Services.

VII. MANAGER'S REPORT

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

1. Bethel Bank Stabilization Project Cooperation Agreement

City Attorney, Brooks Chandler, advised Council that he had reviewed the Project Cooperation Agreement and recommended approval of the agreement as submitted.

motion M/M by Trantham, 2nd by Jones to approve the Bethel Bank Stabilization Project Cooperation Agreement between the Department of the Army and The City of Bethel, Alaska, for the construction of the Bethel Bank Stabilization Project. Voice vote. Motion carried unanimously.

In response to a question from Mayor Chris regarding the 25% match required from the City, City Manager Hunter responded that the total local match is \$5,000,000 which includes both the State of Alaska's contribution and the City of Bethel's share. What the City is able to obtain from the State, reduces the City's contribution. Currently, the City has received a commitment from the State of Alaska in the amount of \$1.296 million and has requested \$800,000 from the DOT. The City has raised approximately \$678,000 through the fuel thru-put tax.

2. Request to Attend NPELRA Annual Conference

City Manager Hunter advised Council that the only cost to the City for him to attend the NPELRA Annual Conference scheduled for April 24-29 in New Orleans was \$345 for registration and per diem for five days.

motion M/M by Metcalfe, 2nd by Jones to approve City Manager Hunter's request for payment of \$345 registration fee and five days per diem to attend the NPELRA Annual Conference in New Orleans, April 24-29, 1994. Voice vote. Motion carried. 6-yes (Chris, Jones, Metcalfe, Trantham, Tubbs, Wintersteen; 1-no (Miller).

3. Request to Consider PEBSCO Deferred Compensation Plan

motion M/M by Wintersteen, 2nd by Metcalfe to obtain an independent evaluation of the PEBSCO Deferred Compensation Plan along with the American Life deferred compensation plan proposed by CALCO. Voice vote. Motion

carried. 6-yes (Chris, Metcalfe, Miller, Trantham, Tubbs, Wintersteen); 1-no (Jones).

Councilmember Jones expressed his opposition to evaluating deferred compensation plans during the period the City is in contract negotiations with the Union. Mr. Jones pointed out that the City currently offers the ICMA plan, which has been approved by the Council, to all City employees. Mr. Jones also stated that there is a cost associated with the evaluation of the plan as it requires someone to do the research whether it's done in-house or by an independent evaluator.

4. Request for IFB for Small Boat Harbor Dredging

motion M/M by Jones, 2nd by Wintersteen to go out for bid for the dredging of the small boat harbor.

motion was withdrawn

A lengthy discussion followed regarding what area required dredging, how much needed to be dredged, and the cost for the project. City Manager Hunter pointed out that the new Public Works Director, Harry Parsi, would be on staff by the time of the bid opening and would be available to evaluate the bids submitted. In the meantime, before the bids are opened, Mr. Parsi would be able to inspect the small boat harbor and provide an estimate as to the amount of dredging that will be required.

motion M/M by Wintersteen, 2nd by Metcalfe to submit an Invitation for Bid for the dredging of the small boat harbor. Voice vote. Motion carried unanimously.

5. Request from FAA to Purchase City Property

Sharon Hanek from the FAA spoke again on the proposal by the FAA to purchase 3.31 acres from the City to rebuild the FAA quarters, construction to begin April 1995. See Ms. Hanek's comments under People to be Heard, the letter from Ms. Hanek dated February 3, 1994, and the "Aid to Construction" proposal submitted by Ms Hanek (copies of these documents are attached as part of these official minutes).

Council concurred that the proposal by the FAA to fund the construction of a sewer line extension to the FAA compound, which is contingent upon sale of the land to the FAA, was an attractive offer and one the City should research and evaluate. Regarding some concerns expressed by council members about selling city property, City Attorney Chandler advised Council that the City could sell the property with a deed restriction so that title to

CITY COUNCIL MINUTES

PAGE 5

February 8, 1994

the property would revert back to the City in the event the land was not being used to provide the necessary public service that justified the original disposal. Ms. Hanek responded by stating that she did not believe a deed restriction could be imposed as the property, once sold to the FAA, would be considered federal lands. In response, Councilmember Trantham requested the City Attorney to research a method for disposing of City property that would protect the City's interests in accordance with the City's land disposal ordinance.

motion M/M by Metcalfe, 2nd by Miller to refer the FAA proposal to purchase City property to the Planning Commission for its review and consideration. Voice vote. Motion carried unanimously.

6. Direction on Matter of Building Inspections

motion M/M by Jones, 2nd by Trantham to direct the City Attorney to research the establishment of building codes and inspection procedures for new residential property and commercial property (including rentals), and to determine how existing structures could be grandfathered in. Voice vote. Motion carried unanimously.

7. Request for Council to Develop a List of Services & Programs

motion M/M by Wintersteen, 2nd by Miller to develop a list of City program and service priorities. Voice vote. Motion carried unanimously.

Council broke at 9:10 PM for a short recess. At 9:20 PM, Mayor Chris called the meeting back to order.

VIII. REPORTS OF STANDING COMMITTEES

Scheduled dates for upcoming meetings were announced.

Councilmember Trantham reported that the Transportation Commission held a special meeting on January 19, 1994, to hear the appeal of the denial of a chauffeur's permit to Joseph Andrew. The decision of the Transportation Inspector, Chris Liu, denying issuance of a chauffeur's permit to Mr. Andrew was upheld by the Commission.

Mr. Trantham reported that the Youth Services Committee met February 7, 1994, but did not have a quorum. The members present recommended to Council to increase the Committee membership from four to seven.

Council concurred with the Youth Services Committee recommendation, and requested the City Clerk advertise the vacancies.

Councilmember Tubbs reported that the Public Safety Committee met February 2, 1994. Items discussed included: 1) new ideas on a reserve police officers program; 2) review of commendation letters to Sgt. Achee and Investigator Nelson; and 3) concerns about the facilities at Bogey's Place.

Acting Public Works Director, Tom Bouillon, gave a report on the status of the sewer lagoon. Mr. Bouillon reported that costs had increased as lagoon employees were working 12 hours per day instead of the scheduled 10 hours per day. An expected completion date of the excavation was one week to 10 days. A discussion regarding the authorization to increase the work hours, project responsibility, and cost overruns followed. City Manager Hunter recommended that the City Attorney send a letter to Montgomery Watson and request reimbursement for the unauthorized overtime costs.

motion M/M by Jones, 2nd by Miller that the City Attorney research the terms of the Project Management contract with Montgomery Watson and, if feasible, request reimbursement for the unauthorized overtime costs. Voice Vote. Motion carried unanimously.

motion M/M by Wintersteen, 2nd by Tubbs to continue the meeting past 10:00 p.m. Voice vote. Motion carried unanimously.

IX. OLD BUSINESS

ITEM A: Public Hearing: Ordinance #94-03: An Ordinance of the City of Alaska, Amending Title 2 of the Bethel Municipal Code by Adding a New Chapter 2.40 to the Existing Title, Entitled Access to Public Records

Mayor Chris opened the meeting to the public and asked if any one would like to speak.

Allen DeSousa stated that he would like to see that no charge for copies be assessed to those people who serve on City commissions and committees.

Desiree Humphrey (Tundra Drums) and Rhonda McBride (KYUK) spoke in opposition to Ordinance #94-03. Jonathan Rhodes (Tundra Drums) read a portion of the letter submitted by Ms. Humphrey into the record. Ms. McBride distributed a letter for the record. (Copies of the letters from Ms. Humphrey and Ms. McBride are attached as part of these official minutes).

Bill Stokes, DEC, stated that he was opposed to the public not having access to utility records, especially, not being able to identify those people who are not on the honeybucket system.

Mayor Chris asked if anyone else wished to speak. There was no one, and she closed the public hearing.

Discussion followed with City Attorney Brooks Chandler addressing some of the issues raised by the audience and by council members.

motion M/M by Jones to approve Ordinance #94-03. Motion failed due to lack of a second.

motion M/M by Wintersteen, 2nd by Jones to amend Ordinance #94-03 by striking Item G under Section 2.40.050, and include a statement in Section 2.40.080 which would provide for an employee's right to appeal access to the employee's records. Poll vote. Motion carried unanimously.

X. NEW BUSINESS

ITEM A: Resolution #94-06: A Resolution Accepting Grant #94/521-9-001 through the Municipal Capital Project Matching Grant Program for Courthouse Roof Reconstruction

Approved by Consent

ITEM B: Resolution #94-07: A Resolution Supporting SB #167 and HB #143 that Support Amendment of the Statute on Marine Fuel Taxes (AS 43.40)

Approved by Consent

ITEM C: Resolution #94-08: A Resolution Accepting the City of Bethel FY 94 Financial Audit and Management Letter

Approved by Consent

ITEM D: Introduction of Ordinance #94-04: An Ordinance Prohibiting Trapping in Bethel

Council member Miller withdrew Ordinance #94-04 for introduction.

ITEM E: Introduction of Ordinance #94-05: An Ordinance Amending FY 94 Budget

Approved by Consent for public hearing February 22, 1994.

CITY COUNCIL MINUTES

PAGE 8

February 8, 1994

ITEM F: Request to Appeal the Decision of Transportation Commission Denying An Appeal for Chauffeur's License for Joseph Andrew

Mayor Chris noted for the record that Mr. Andrew was not in attendance to present his request for appeal. Mayor Chris explained the process involved in hearing an appeal from the Transportation Commission, and presented the evidence available to the Council. Councilmember Trantham explained that the City's ordinance does not allow latitude to the Transportation Inspector or the Transportation Commission when making a decision regarding issuance of a chauffer's permit based on the evidence produced.

motion M/M by Jones, 2nd by Tubbs to uphold the decision of the Transportation Inspector and the Transportation Commission. Voice vote. Motion carried unanimously.

ITEM G: Discussion Regarding the Use of Honeybuckets and the Problem of Illegal Honeybucket Dumping

Bill Stokes, DEC representative, requested the City provide his office with a map of city houses that do not receive City services for sewage pickup. Mr. Stokes further asked the City Council and City Administration to enforce its ordinances that prohibit improper disposal of sewage (i.e. disposing of sewage on the ground). Using the map provided by the City, Mr. Stokes stated that after April 1, 1994, he would be advising those people who are not receiving City services for sewage pickup that they had a choice of signing up for services or be subject to enforcement action.

motion M/M by Jones, 2nd by Trantham to provide Mr. Stokes by April 1, 1994, with a list of residences that do not receive sewage services and to direct the Police Department to give Mr. Stokes what support they can in enforcing the City's ordinances on improper disposal of sewage. Voice vote. Motion carried unanimously.

ITEM H: Discussion Regarding Retaining a City Grant Writer

Councilmember Jones explained that the recommendation to obtain a City grant writer came from the Finance Committee. Method of payment for the grant writer would be included in the RFP either specifying payment on a contingency basis or through contract fees.

motion M/M by Jones, 2nd by Tubbs to issue an RFP for a City grant writer with the City Manager given authority to determine contents of the RFP. Voice vote. Motion carried unanimously.

ITEM I: Executive Session: Personnel Issues--Policy Direction
for the City Manager Regarding Personnel Issues

Removed from the agenda.

XI. COUNCIL MEMBER COMMENTS

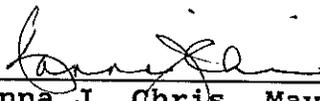
Councilmember Jones requested that a discussion on adding two Police Officers to the budget be placed on the agenda for February 22, 1994.

Councilmember Tubbs congratulated Police Chief Liu on his acceptance to FBI school and commended Sgt. Achee and Investigator Nelson for their response to the fire at Tundra Ridge.

XII. ADJOURNMENT

motion M/M by Jones, 2nd by Metcalfe to adjourn at 10:57 pm.

PASSED AND APPROVED THIS 22nd DAY OF February, 1994.



Donna J. Chris, Mayor

ATTEST:



Jane Elam, City Clerk