

**PAGE 1
CITY COUNCIL MINUTES
APRIL 13, 1993**

CALL TO ORDER Mayor Feaster called the regular Council meeting of April 13, 1993, to order at 7:30 PM.

ROLL CALL Present: Feaster, Jones, Metcalfe, Trantham, Vanasse (late), Warner (late), Wintersteen

APPROVAL/MINUTES M/M by Wintersteen, 2nd by Metcalfe to approve the minutes of the March 23, 1993, regular Council meeting as presented. Voice vote. Motion carried unanimously.

**APPROVAL/AGENDA
AND CONSENT AGENDA** M/M by Wintersteen, 2nd by Jones to approve all items on the Consent Agenda as amended by moving Items A & C to the end of New Business. Voice vote. Motion carried. 6-yes; 1-no (Trantham).

Items approved by consent follow:

B) Introduction of Ordinance #93-07: An Ordinance Establishing a New Title 10, Chapters 10.02, 10.04, 10.06, 10.07 entitled Vehicles and Traffic for public hearing April 27, 1993.

D) Introduction of Ordinance #93-09: Disposal/ Lease--Lot 4, Block 8, USS 3790 for public hearing May 11, 1993. NOTE: The ordinance introduced for public hearing replaced an incorrect version which had previously been distributed.

E) Introduction of Ordinance #93-10: Disposal/ Sale--Surplus Seawall Pipe Piling for public hearing May 11, 1993.

F) Introduction of Ordinance #93-02-B: Budget Amendment for public hearing April 27, 1993.

G) Resolution #93-13: A Resolution Amending the City of Bethel P.E.R.S. Plan.

H) Award of Small Boat Harbor Perimeter Dredging Bid to Foundation Services as recommended by City Administration based on requirements set forth in the Invitation for Bid.

PAGE 2
CITY COUNCIL MINUTES
APRIL 13, 1993

I) Approval of 1993 Games of Chance and Contest of Skill Permit Application submitted by Ducks Unlimited, Inc.

motion M/M by Jones, 2nd by Metcalfe to approve the regular agenda as amended by moving Items A and C before Item K (Executive Session). Voice vote. Motion carried unanimously.

MAYOR'S REPORT

Mayor Feaster referred Council to his written report, and in addition, spoke on the following items:

-- Mr. J.P. Turner submitted a letter of resignation from the Finance Committee. Letters of interest to serve on the Committee were submitted. Mayor Feaster recommended appointment of Mr. Eric Shrum to the Finance Committee.

motion M/M by Vanasse, 2nd by Wintersteen to ratify Mayor Feaster's appointment of Mr. Eric Shrum to the Finance Committee. Voice vote. Motion carried unanimously.

-- Roman Bockus from Alaska Department of Environmental Conservation has notified the Mayor that a grant application for Community Solid Waste Management Planning submitted by the City to ADEC was placed in ADEC's capital budget for possible funding. That budget was scheduled for discussion in the Finance Committee and both the House and Senate. Mr. Bockus contacted the Mayor to determine if the community still wanted to be involved in the grant, and if so, suggested that the City do some lobbying. Mayor Feaster asked council members if the City should make an effort to get this grant funded, pointing out that such an effort could possibly jeopardize funding of current CIP projects before the legislature. It was suggested that the City's lobbyist, Rick Urion, investigate the situation and make a recommendation on whether to lobby for funding of the grant.

--Mayor Feaster asked if anyone from the Council would want to represent the City at the 1993 Alaska Conference of Mayors scheduled for April 22, 1993, in Juneau. Councilman Metcalfe said he would attend if his schedule allowed.

PAGE 3
CITY COUNCIL MINUTES
APRIL 13, 1993

MANAGER'S REPORT

Interim City Manager Gross referred Council to her written Manager's report and, in addition, advised Council of the following items:

--Jordan Suhr has submitted cost estimates for some of the engineering for Phase II of the sewer lagoon project for the hydraulic structures and for lift stations for the Bethel Heights water and sewer project. Ms. Gross pointed out that RFPs needed to be prepared. Councilman Trantham recommended that she contact Cliff Hickson for assistance in preparing the RFPs.

--Two candidates for the Public Works Director position will be brought to Bethel for interviews on April 22 and 23, giving each of them an opportunity to observe the operation of the Public Works Department.

Mayor Feaster next asked for an update on the recycling contract with Brian Glasheen. Ms. Gross said that Mr. Glasheen was not pleased with the deletion of the section that would provide a facility for the recycling project. Council agreed with Ms. Gross' recommendation that contract negotiations should be postponed until the arrival of a new Public Works Director.

Discussion regarding HB 179, Motor Vehicle Registration Tax was held. It was pointed out that if passed, the City would realize an increase in revenue from the tax that would go into the general fund. Also discussed was HB 243 which if passed would mandate the use of licensed pilots on all fuel barges going up the Kuskokwim River, thus possibly affecting the cost of shipping by barge to Bethel.

motion

M/M by Vanasse, 2nd by Trantham to direct the City's lobbyist, Rick Urion, to endorse HB 179. Poll vote. Motion carried. 6-yes; 1-no (Warner).

motion

M/M by Warner, 2nd by Jones that Council direct the City's lobbyist, Rick Urion, to oppose HB 243. Voice vote. Motion carried unanimously.

**PAGE 4
CITY COUNCIL MINUTES
APRIL 13, 1993**

Councilman Vanasse said that a long-time employee of the City had complimented City Manager Gross on her kindness to and interest in City employees, and on the excellent job she has done for the City during her tenure as Interim City Manager.

**REPORTS OF STANDING
COMMITTEES**

Councilman Jones announced that the Finance Committee was scheduled to meet April 15, 7:30 PM, City Offices.

Councilman Wintersteen reported that the Port Commission had held a third joint meeting with the Planning Commission, April 12 on the reclaimed tidelands development plan. The regular meeting of the Port Commission was scheduled for April 19, 7:30 PM, at the Dock.

Councilman Metcalfe reported on the meeting of a special investigate committee of the Planning Commission held April 1 to review the information obtained regarding the ownership of Lot 4, Block 8, USS 3790. Mr. Metcalfe stated that he would provide a report on the findings of the committee to the Planning Commission.

Mr. Metcalfe also reported on the April 8 meeting of the Planning Commission. The main topic of discussion was a request from the FAA to enter into negotiations with the City for purchase of a parcel of land located across from the FAA housing complex. The land would be used for a new housing complex which would consist of about 32 units. The FAA has a verbal agreement with the State for another parcel of land that is adjacent to the City parcel which would be used for a playground. In addition, the FAA is interested in tapping into the City sewer and are considering assisting the City in financing that project. Plans are to solicit bids for construction design this summer and award a contract for construction beginning the summer of 1994. It was the Planning Commission's recommendation that Council give direction to City Administration to enter into negotiations with FAA for disposal of property the FAA is interested in acquiring. Ms. Gross suggested

PAGE 5
CITY COUNCIL MINUTES
APRIL 13, 1993

that Council consider a 50 or 55 year lease as opposed to selling the property because the City may have a need for the property in the future and pointed out that once property is sold, the property may not be available for repurchase or the repurchase could be very costly.

motion

M/M by Warner, 2nd by Jones to direct City Administration to proceed with the notification and posting requirements for disposal of the 3.31 acre parcel of land adjacent to the FAA housing complex at the airport; lease being preferred option for disposal. Voice vote. Motion carried unanimously.

Councilman Vanasse referred Council to the minutes of the April 6, 1993, Public Safety Committee meeting. The issue concerning the sale of fireworks was tabled to the meeting scheduled for April 21, at 8:30 PM. A joint meeting of the Public Safety Committee and the Transportation Commission was scheduled for April 21, 7:30 PM to discuss the safety concerns regarding ATVs and snow machines.

Councilman Tranthman reported that the Transportation Commission met March 10, and referred Council to the minutes of that meeting.

Councilman Trantham also reported on the April 5 meeting of the Youth Services Committee. The major item for discussion was a review of the mission statement and goals and objectives of the Youth Center. Another item of discussion concerned floor replacement at the Youth Center. After gathering additional information on laying new underlayment on top of the existing vinyl, Mr. Trantham determined that a minimum of 5/8 underlayment should be placed and securely fastened before laying any additional floor covering. Mr. Trantham pointed out that there are not sufficient funds to do the entire job, and asked if they should proceed with a partial replacement of the floor or try to carry the funds over to the fiscal year. In response, City Manager Gross stated that Administration will carry

over the \$5,000 appropriated in FY 93, and the \$5,000 planned for the FY 94 budget that would then give them enough to complete the job. Ms Gross pointed out, however, the work could not begin until after the first of July.

Mayor Feaster reported that the Ad Hoc Solid Waste Committee met April 9 and scheduled another meeting for April 16, 12:00 Noon to make plans for this year's Clean-Up, Green-Up program.

PEOPLE TO BE HEARD Jerry Korthuis said that he would like to apologize for not handling the situation at the March 9, 1993, Council meeting in a more professional manner, and he hoped that Mr. Trantham and the City Council would accept his apology.

OLD BUSINESS:
Item A--Public
Hearing: Ord.
#93-05

**PUBLIC HEARING--ORDINANCE #93-05: AN
ORDINANCE REVISING THE CITY OF BETHEL
CLASSIFICATION PLAN**

Mayor Feaster gave a brief explanation of the revisions to the classification plan. The Mayor opened the public hearing. There being no comments from the public, the hearing was closed.

motion

M/M by Warner, 2nd by Trantham to approve Ordinance #93-05 revising the Classification Plan. Poll vote. Motion carried unanimously.

**Item B--Reclaimed
Tidelands Plan**

**RECOMMENDATION--COMPREHENSIVE LAND USE AND
DEVELOPMENT PLAN FOR RECLAIMED TIDELANDS**

City Manager Gross outlined the recommendations made by the Port/Planning Commissions with regard to the concerns Council had raised at the March 23, 1993, meeting. A copy of the report from Ms. Gross to the Council detailing the recommendations is attached as part of these official minutes. Mayor Feaster opened the meeting to the public.

Bruce Nerby read from a prepared statement on behalf of his father regarding property affected by the development plan. A copy of that statement is attached as part of these official minutes.

Stuart Greydanus pointed out that before the seawall was built the area in question contained many junk cars. The area was cleaned up and the seawall was built. In Mr. Nerby's case, the beach at the dock was utilized by him and he has had access to the waterfront, although not right in front his property. Mr. Greydanus further stated that Mr. Nerby's traditional ways of logging and fishing and other activities were not prohibited. In order to maintain the integrity of the seawall, the City will need to continue to charge user fees to individuals that want to lease the seawall from the City.

Ben Dale reiterated the same concerns expressed by Mr. Nerby in his letter, and stated that he was in somewhat of the same position, and that there was nothing in his deed that gave anyone prior permission to place anything along his property, and that it should have been recorded that way. He further stated that if anyone should own the upland property, it should be him.

J.B. Crow made the following statement: In 1961 he purchased upland. In 1962 he put a wall around upland. It was upland in 1983 when the State took out his seawall and put a seawall in. It was still upland when the Commission's surveyors came through and cut a line through it. NOTE FROM CITY CLERK: According to the minutes of previous joint meetings, J.B. Crow testified that he purchased the land in 1971 and built his seawall in 1972.

Mayor Feaster asked if anyone else from the public wished to speak. There was no one, and council members were given the opportunity to comment. Councilman Wintersteen stated that he supported the plan as presented. Because of opposition to the plan as expressed during the public hearing, Councilman Trantham recommended referring the plan back to the joint Port and Planning Commissions. Further discussion among council members was held.

motion

M/M by Trantham, 2nd by Metcalfe to refer the plan back to the Port and Planning Commissions

requesting written recommendations that address the concerns expressed by some members of the public.

Councilman Warner stated his opposition to the motion for the following reasons: 1) Mr. Crow's issue is a disagreement over the validity of the survey, and the Commissions cannot validate or invalidate the survey. The survey was accepted by the State, and it was his understanding that the State was not interested in reopening the issue of the validation of survey; 2) That no matter what plan was approved, he did not believe that all parties concerned would be in total agreement to the approved plan.

vote Poll vote. Motion failed. 2-yes; 5-no (Feaster, Jones, Vanasse, Warner, Wintersteen).

motion M/M by Wintersteen, 2nd by Warner to approve the Comprehensive Land Use and Development Plan for the City of Bethel's Tidelands as presented which will include the changes as outlined in City Manager Gross' report. (That report is attached as part of these official minutes). Poll vote. Motion carried. 6-yes 1-no (Trantham).

NEW BUSINESS:

**Item J: Asbestos
Repository Report**

**RECOMMENDATIONS FROM THE AD HOC SOLID WASTE
COMMITTEE REGARDING ASBESTOS REPOSITORY SITE**

Mayor Feaster referred Council to the report prepared by the Ad Hoc Solid Waste Committee addressing the issue of establishing an asbestos repository site in Bethel. (A copy of that report is attached as a part of these official minutes). A lengthy discussion was held with council members discussing the pros and cons of establishing an asbestos repository in Bethel.

motion M/M by Jones, 2nd by Vanasse to proceed with the permitting process to establish an asbestos repository in Bethel at the City landfill. Poll vote. Motion carried. 5-yes; 2-no (Metcalfe, Trantham).

PAGE 9
CITY COUNCIL MINUTES
APRIL 13, 1993

Item K: Ord. INTRODUCTION OF ORDINANCE #93-06: AN ORDINANCE
#93-06 AMENDING TITLE 4, CHAPTER 4.16 (SALES TAX),
SECTION 020, PARAGRAPH B (14) ENTITLED
IMPOSITION--RATE--EXCEPTIONS

motion M/M by Trantham, 2nd by Metcalfe to introduce
Ordinance #93-06 amending Title 4, Chapter
4.16, sales tax, for public hearing May 11,
1993. Voice vote. Motion carried
unanimously.

Item L: Ord. INTRODUCTION OF ORDINANCE #93-08: AN ORDINANCE
#93-08 AMENDING TITLE 9, CHAPTER 9.20 BY ADDING A NEW
SECTION 0.15 ENTITLED CURFEW HOURS--EXCEPTIONS

motion M/M by Warner, 2nd by Trantham to introduce
Ordinance #93-08 amending Title 9, Chapter
9.20, curfew hours, for public hearing May 11,
1993. Poll vote. Motion carried. 5-yes; 2-
no (Feaster, Warner).

Item M: Exec. EXECUTIVE SESSION -- LEGAL STRATEGY, MCPECK
Session VS. CITY OF BETHEL

motion M/M by Warner, 2nd by Jones to go into
Executive Session for the purpose of
discussing legal strategy in the case of
McPeck vs. City of Bethel. Voice vote.
Motion carried unanimously.

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

motion M/M by Warner, 2nd by Jones that the City
Attorney be directed to proceed with defense
of the case of McPeck vs. Bethel. Poll vote.
Motion carried. 5-yes; 2-no (Trantham,
Wintersteen).

COUNCIL MEMBER
COMMENTS

Councilman Jones recommended that the Police
Department look at another enforcement program
to regulate ATVs (three and four-wheelers).
City Manager Gross stated that she would speak
with Chief Liu about the problem.

Councilman Wintersteen commended the animal
control officer for the good job of keeping
dogs from running loose.

Councilman Metcalfe said Senator Jacko's office had called regarding providing information and funding for Ridgecrest Road. City Manager Gross said she had not heard from Senator Jacko's office, but would look into the matter.

Councilman Trantham stated that he had recently returned from Homestead, Florida, where the city's infrastructure had been destroyed by Hurricane Andrew. Mr. Trantham pointed out that some of the City of Bethel's infrastructure was also deteriorating, and he re-emphasized that the Council should work toward enhancing the City's revenues for the purpose of rebuilding the infrastructure. For the present, Mr. Trantham recommended spreading 100 loads of sand per week on those sections of the roads that were deteriorating. In addition, Mr. Trantham recommended holding brainstorming sessions to come up with ideas for enhancing revenues.

In addition, Mr. Trantham, expressed his disappointment with the procedure employed to conduct the "People To Be Heard" portion of the March 9, 1993, Council meeting, and requested that the presiding officer take particular care in determining when point of order should be called.

In response, Councilman Warner stated that the "People To Be Heard" portion of a City Council meeting is an opportunity for citizens of the town to come before the Council and address anything that concerns the City and concerns members of the Council. He further stated that "to muzzle" what people want to say under "People To Be Heard" is wrong.

Councilman Vanasse asked that City Manager Gross commend the streets and roads crew for the efforts made by them to improve the situation with the roads. Mr. Vanasse also commended the people who are covering the Planning Office for their assistance in expediting a site permit he submitted for approval.

PAGE 11
CITY COUNCIL MINUTES
APRIL 13, 1993

Mayor Feaster stated that he felt the Council did not accomplish its objectives of establishing a vehicle and equipment plan at the work session held April 7, because council members were not more definitive about their positions on the individual issues that were discussed. With regard to upcoming work sessions, Mayor Feaster asked that they pay particular attention to the issues and express their position more definitively.

motion

M/M by Warner, 2nd by Jones to adjourn the meeting at 10:08 PM. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 27th DAY OF April, 1993.

James H. Feaster III
James H. Feaster III, Mayor

ATTEST:

Jane Elam
Jane Elam, City Clerk