

CITY COUNCIL
Kent Harding
Buford McComas
Tad Miller
Agnes Phillips
Ruth Richardson, Mayor
Stanley Rodgers
Wally Wallace



CITY MANAGER
Ken Weaver

CITY CLERK
L.J. Tanner

City of Bethel
Regular Council Meeting Minutes
June 11, 1996

I. CALL TO ORDER

The meeting was convened at 6:30 p.m. by Mayor Richardson in the Log Cabin, Bethel, Alaska.

II. ROLL CALL

Present: Harding, McComas, Miller, Richardson, Rodgers, Wallace
Absent: Phillips (Excused)

III. PEOPLE TO BE HEARD

Antone Anvil, Bethel, addressed the problem of children's safety while bicycling on local roads. He would like speed limit signs posted on the gravel roads, and for the speed limit to be better enforced. He suggested that bike trails would be a good way to prevent accidents, by keeping cyclists off of the roads. Acting Police Chief Schadle responded that his department would continue to work on solving the speeding complaints. Mayor Richardson added that bicyclists do have the right to use the roads, and that motorists share the responsibility and must be cautious of cyclists.

IV. APPROVAL OF MINUTES

motion M/M by Miller, 2nd by Rodgers to approve the minutes of the May 28, 1996, regular meeting as presented.

vote Voice vote. Motion carried unanimously.

V. APPROVAL OF AGENDA

motion M/M by McComas, 2nd by Harding to amend the agenda by removing New Business Item A: Resolution #96-22 - Requesting State Troopers to Patrol the River.

vote Voice vote. Motion carried unanimously.

VI. MAYOR'S REPORT

Mayor Richardson announced that the City's request to the State Legislature for seawall funding was approved. \$1.615 million was appropriated to help the City complete the project. Mayor Richardson thanked everyone who was involved in the funding effort.

Next, the Mayor discussed the leak of the Police Audit report. She stated that "Who-dunit" is still being discussed on the radio. She thinks the issue will plague the City until it is resolved. Council Member McComas questioned whether the motion made and carried at the May 28, 1996 meeting (to support the efforts of private citizens investigating the leak) has placed the City in a position of legal liability, for example, a slander lawsuit. He would like a legal interpretation of the motion.

motion M/M by McComas, 2nd by Rodgers, to request the City Attorney to interpret the motion made and carried at the May 28, 1996 meeting, to determine if the City is a legal risk.

vote Roll Call vote. Motion failed, 3-Yes, 3-No (Harding, Miller, Richardson)

Mayor Richardson noted that Governor Knowles will be in Bethel in the next few days, to attend town meetings. Several department commissioners will accompany Mr. Knowles.

Mayor Richardson commended 14-year-old Brian Kalila of Aniak, who saved the life of a drowning child last week.

Mayor Richardson announced that the City Council agendas are now being posted on the DDC, in the KYUK Conference. This makes the agendas readily available to many more people.

Mayor Richardson discussed a letter sent to Acting Police Chief Al Schadle, from Margie Revet. Ms. Revet is concerned about the deaths of two of her family members, that occurred at the Bethel Inn. Acting Police Chief Schadle responded that he will address Ms. Revet's concerns after he has an opportunity to discuss the matter with Mayor Richardson.

VII. MANAGER'S REPORT

City Manager Weaver referred Council to his written report on the following:

- DEC Underground Storage Regs. & OSHA Enforcement: Mr. Weaver stated that the City will be pulling out old fuel tanks and cleaning up the site according to DEC regulations. The Public Works Director is responsible for carrying out the project.
- Planning Department Fee Increase: Mr. Weaver noted that the new fees were recommended by the Planning Manager. He would like to have the Planning Commission review the new fee structure, and make a recommendation to Council.
- Update - Police Department Staff & Police Chief Search: Mr. Weaver referred the Council to his memo, which includes a timeline for hiring a new Police Chief by September 2, 1996. The Citizen Review Committee will be composed of representatives of the Native Alaskan community, Chamber of Commerce, and law enforcement. Buford McComas will represent the City Council. Burton and Associates has placed three individuals at the Police Department: Wayne Seldon, Wayne Schober, and Roy

Minatra. The State Trooper presence has been reduced to two troopers, with further cuts expected in the near future.

- Update - Cemetery: City Manager Weaver distributed a list of Cemetery Ad-hoc committee members from 1995. City Planner Jim Hoppenworth gave a verbal report to the Council. He has investigated one additional site for a cemetery, as noted in his written report. Council Member Miller stated that the City shouldn't be in the position of running the Cemetery. Further discussion followed.
- Award of Construction Management Contract - FAA Sewer Line Extension: City Manager Weaver distributed a memo from Laurie Adams, Purchasing Agent. The memo recommended that CH2M Hill be awarded the Construction Management Services Contract for the FAA Sewer Extension Project.

motion M/M by Wallace, 2nd by Miller, to award the Construction Management Services Contract for the FAA Sewer Extension Project to CH2M Hill, based on their bid of \$118,752.00, and evaluation score of 256 points.

vote Voice vote. Motion carried, unanimous.

- Invitation for Bid's - Water, Sewer, and Refuse Trucks: The memo from Laurie Adams, Purchasing Agent, was reviewed by the Council and City Manager.

motion M/M by Miller, 2nd by McComas, to authorize the City Manager to make awards of the City's Invitation for Bid's on water, sewer, and refuse trucks.

vote Voice vote. Motion carried, unanimous.

- Weight Room Hours: City Manager Weaver noted that all persons using the Weight Room, including City employees and State Troopers, will pay the \$2.00/use fee, effective immediately. A memo in the packet listed the Weight Room Hours.

- Department Head Reports:

- ◇ Discussion took place on the status of the Police Department Investigation.
- ◇ Mayor Richardson brought up a concern about the quality of water at the Senior Center. Paul Gabbert, Village Safe Water, responded that due to the water plant being used at full capacity, water does not have a chance to sit in the tanks, and suspended particles do not settle out of the water.
- ◇ Council Member McComas suggested that the City locate a park between Mallard and AVCP Housing. City Manager Weaver stated that the Community Services Committee should investigate the idea.
- ◇ Discussion took place on the upcoming vehicles to be purchased for the Police Department, and the need for a new ambulance. Mayor Richardson noted that YKHC could help the City obtain grants for a new ambulance.

motion M/M by Harding, 2nd by Miller, to refer the question of a new ambulance purchase to the Public Safety Commission.

vote Voice vote. Motion carried, unanimous.

VIII. REPORTS OF STANDING COMMITTEES and COMMISSIONS

Senior Advisory Board: Gladys Jung, Mary Evon, and Julius Pleasant gave the report for the Senior Advisory Board. Ms. Jung commended Ms. Evon for taking Sarge Connick's place as Board Chairperson. She noted that although the Sr. Center is shorthanded, it is being run very capably by Mr. Pleasant. Ms. Evon named the Advisory Board members for the Council. The last meeting of the Board will be on June 5th. They will meet again in early September and elect new board officers.

A major concern for the Board is the need for a new cemetery in Bethel. Ms. Evon stated that at the new site, off Ptarmigan Road, graves have filled up with water. Ms. Jung has noticed children riding bicycles through the old cemetery, and suggested that perhaps a fence could be erected to keep people out.

Planning: Council Member McComas reported on the Planning Commission's activities.

Public Works Committee: Mike O'Brien, Committee Chair, stated that they are looking at the hours of operation at the landfill.

Transportation: Mayor Richardson noted that Transportation is looking at the Vehicle for Hire Ordinance, investigating ways to cut back the number of permit transfers, and whether the Council should regulate the taxi industry. Mayor Richardson asked the City Manager to check into whether the City Council could regulate the taxi industry. Council Member McComas commented that there needs to be a procedure for handling cabs at the airport. Mayor Richardson responded that the Transportation and Planning Commissions will be meeting together to discuss that issue.

Youth Services: Council Member Harding stated that the Committee is discussing the weight room hours and use fees, and equipment for Pinky's Park. In addition, they voted in favor of forming a Youth Services Advisory Committee. Mayor Richardson noted that she had received 3 applications for the empty Committee seat, and appointed Christy Davis. In addition, Eric Hodgins, a local high school student, had applied. Mayor Richardson appointed Mr. Hodgins as an ex-officio member, without voting privileges.

motion M/M by Harding, 2nd by McComas, to ratify the appointments of Christy Davis and Eric Hodgins to the Youth Services Committee.

vote Voice vote. Motion carried, unanimous.

A 10-minute break was taken from 8:05-8:15

IX. OLD BUSINESS

Item A: Public Hearing - Ordinance #96-20: Fiscal Year 1996-97 Budget

Mayor Richardson opened the Public Hearing on Ordinance #96-20. There being no public comments, Mayor Richardson closed the Public Hearing.

motion M/M by McComas, 2nd by Miller to adopt Ordinance #96-20.

vote Roll Call vote. Motion carried, unanimous.

Item B: Public Hearing - Ordinance #96-21: Purchasing Agent report to City Manager

Mayor Richardson opened the Public Hearing on Ordinance #96-21. There being no public comments, Mayor Richardson closed the Public Hearing.

motion M/M by Miller, 2nd by Rodgers to adopt Ordinance #96-21.

vote Roll Call vote. Motion carried, unanimous.

Item C: Public Hearing - Ordinance #96-22 - Seawall Project Payment

motion M/M by Miller, 2nd by McComas, to adopt Ordinance #96-22.

vote Roll Call vote. Motion carried, unanimous.

Item D: Public Hearing - Ordinance #96-23 - Reduce Sr. Tax Exemption Age to 60

motion M/M by McComas, 2nd by Rodgers to adopt Ordinance #96-23.

vote Roll call vote. Motion carried, unanimous.

Item E: Public Hearing - Ordinance #96-24 - Sales Tax Exemption for 25% of Gaming Proceeds.

motion M/M by McComas, 2nd by Harding to adopt Ordinance #96-24.

vote Roll call vote. Motion carried, unanimous.

Item F: Public Hearing - Ordinance #96-25 - Amending Title 18.16.040(B)

motion M/M by Miller, 2nd by McComas to adopt Ordinance #96-25.

Discussion took place on what exactly the ordinance would accomplish. Mayor Richardson wondered if the City had already adopted the Alaska Coastal Management Plan, why did this need to be codified? City Planner Jim Hoppenworth addressed the Council's questions. Council Member Miller noted that some people seem to be penalized for following the rules, while others build without regard to the City codes and get away with it.

vote Roll call vote. Motion carried, 4-Yes, 2-No (Richardson, Wallace)

Item G: Public Hearing - Ordinance #96-26 - Amending Title 18.16.040, adding (C)

motion M/M by Miller, 2nd by McComas to adopt Ordinance #96-26.

Mayor Richardson questioned the need for the ordinance. City Planner Hoppenworth responded to questions from the Mayor and Council.

vote Roll call vote. Motion carried, 5-Yes, 1-No (Wallace)

Item H: Public Hearing - Ordinance #96-27 - Amending Title 18.16.050, adding (A)7

motion M/M by Miller, 2nd by McComas to adopt Ordinance #96-27.

vote Roll call vote. Motion carried, 5-Yes, 1-No (Wallace)

Item I: Public Hearing - Ordinance #96-28 - Amending the Employee Classification Plan.

motion M/M by McComas, 2nd by Miller to adopt Ordinance #96-28.

vote Roll call vote. Motion carried, unanimous.

Item J: Review of Legal Services Contract with Preston Gates & Ellis

Council Member Miller commented on Section 5 of the proposed contract. He would like to see any termination of the contract based on outstanding cases, rather than a specified number of days. He would also like a stipulation that 90 days advance notice of any change to the contract must be submitted to the Council.

Mayor Richardson had questions about the meaning of a "bond counsel," and what types of fees the bond would entail. She noted that she would prefer any termination notice to be given to the City Council, in writing. Mayor Richardson requested that Mr. Sharp attend the next Council meeting.

Item K: Discussion - Community Work Service - *this item was rescheduled for a future meeting at Council Member Miller's request.*

X. NEW BUSINESS

~~**Item A: Resolution #96-22 - Requesting State Troopers to Patrol River**~~ *Removed from agenda during Approval of Agenda section.*

Item B: Resolution #96-23 - Enhanced 911 Surcharge

motion M/M by Miller, 2nd by Rodgers to adopt Resolution #96-23.

Mayor Richardson requested that a copy of the Alaska Statute governing surcharges for Enhanced 911 be attached to the Resolution as a reference. She also requested that GTE be notified immediately of the collection request.

vote Voice vote. Motion carried, unanimously.

Item C: Introduction of Ordinance #96-29, Solid Waste Collection Fees

motion M/M by McComas, 2nd by Wallace to introduce Ordinance #96-29.

vote Voice vote. Motion carried, 5-Yes, 1-No (Miller)

A 10-minute break was taken from 9:45-9:55 p.m.

Item D: Water/Sewer Master Plan Update - Paul Gabbert, Village Safe Water

Mr. Paul Gabbert from Village Safe Water gave a presentation on the Water and Sewer Master Plan Update that has been conducted by VSW and Dames & Moore. They are 95% complete with the update and expect 100% completion and approval by June 25, 1996.

An Executive Summary of the update listed the goals of updating the master plan: to improve water quality, to improve the delivery of water to residents, and to improve the collection of waste water. The long-term goal is to implement City-wide piped water and sewer. The total project is estimated at \$110 million, or \$65,000 per serviced residence.

Timing of the project is dependent on funding. Honeybucket users would initially be upgraded to flush/haul systems, and then to piped services. Outstanding questions include funding of Operations & Maintenance and development of rate structures that support the services provided.

Mayor Richardson asked for a presentation of the 100% complete Master Plan Update to the Council at the July 9, 1996 regular meeting.

XI. COUNCIL MEMBER COMMENTS

Harding - Thanked all citizens who participated in the Adopt-a-Dumpster program.

McComas - Would like updates on the Tomaganuk House and Carl Russel encroachment dispute, as well as the road to Napakiak. Encouraged more communication between the Chamber of Commerce and the Council. Commended the Police Department for the recent changes.

Miller - Noted that the Strategic Planning Committee will be meeting again soon. Had a productive meeting with Acting Police Chief Al Schadle. Thanked all involved with obtaining funding for the seawall project.

Phillips - absent, no comments.

Richardson - Thanked all who volunteered for the recent search and rescue efforts on the river.

Rodgers - Thanked Mr. Schadle and the State Troopers for their efforts at the Police Department.

Wallace - No comments.

XIII. EXECUTIVE SESSION

motion M/M by Miller, 2nd by McComas to adjourn the regular meeting, and enter executive session for the purpose of discussing legal strategies for Crow vs. City of Bethel, Rodgers vs. City of Bethel, and APEA Union Negotiations, at 10:39 p.m.

vote Voice vote. Motion carried unanimously.

motion M/M by Rodgers, 2nd by Miller to come out of executive session at 11:30 p.m.

vote Voice vote. Motion carried unanimously.

motion M/M by Miller, 2nd by Rodgers to follow the recommendations of the City Attorney on the Crow vs. City of Bethel case.

vote Voice vote. Motion carried unanimously.

motion M/M by McComas, 2nd by Miller to retain Brooks Chandler to handle Police Department issues.

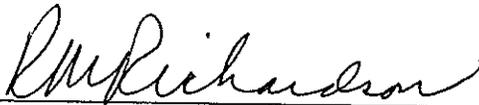
vote Voice vote. Motion carried unanimously.

XIII. ADJOURNMENT

motion M/M by Wallace, 2nd by Miller to adjourn the meeting at 11:38 p.m.

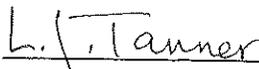
vote Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 25TH DAY OF JUNE, 1996.



Ruth M. Richardson, Mayor

ATTEST:



L.J. Tanner, City Clerk