
City of Bethel City Council Meeting Minutes

May 13, 2008

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on May 13, 2008 at 6:30p, in the Council Chambers, Bethel, Alaska.

Mayor Middlebrook called the meeting to order at 6:30p.

II. ROLL CALL

Members present:

Mayor Eric Middlebrook
Vice-Mayor R. Thor Williams
Council Member Tundy Rodgers
Council Member Dan Leinberger
Council Member Yolonda Jorgensen
Council Member Willy Keppel

Others present:

City Manager Wally Baird

MOVED:	Jorgensen	Motion to move Special Order Of Business above People To Be Heard
SECOND	Zulkosky	
VOTE ON MAIN MOTION	All in favor	

III. SPECIAL ORDER OF BUSINESS

Item A- The American Legion And VFW Presentation Of The American Flag

IV. PEOPLE TO BE HEARD

Jody Malus

- *Assignment of the Kilbuck School lease from the State of Alaska should be heard and commented on by the people of Bethel.*

Fritz Charles

- *Recently read the letter from the ACLU, the mistake made by the City Clerk should be grounds for termination.*
- *Other individuals who have had charges against them have paid their fines, why didn't Mr. Keppel, the City is corrupt.*

- *There will be reproductions to cutting the positions at the Fire Department, the insurance rates will go up \$300.00 to \$400.00.*

Galín Derksen

- *The Council seems to be taking steps back; this is affecting the city as a whole.*

Andy Stemp

- *The economics of the raise in water sewer rate increase.*

Laurie Walters

- *Ordinance 08-07 would cost the City in lost revenue \$700,000.00. The City's finance statues at this time are delicate.*

V. APPROVAL OF THE CONSENT AND REGULAR AGENDA

MOVED:	Zulkosky	Move to approve the agenda
SECOND	Jorgensen	
MOVED:	Zulkosky	Remove Ordinance 08-07 from the consent agenda
MOVED:	Keppel	Remove Ordinance 08-08 from the consent agenda
VOTE ON MAIN MOTION	All in favor	
MOVED:	Leinberger	Remove Ordinance 08-09 from the consent agenda
MOVED:	Williams	Motion to table Items A and D under Approval Of Meeting Minutes until the May 27 th Council meeting
SECOND	Keppel	
VOTE ON MOTION	All in favor	
VOTE ON MAIN MOTION	All in favor	

VI. APPROVAL OF THE MEETING MINUTES

The following minutes were approved on the consent agenda

- 04/26/2008 Special Meeting*
- 05/07/2008 Special Meeting*

VII. UNFINISHED BUSINESS

Item A – Public Hearing Of Ordinance 08-04: An Ordinance Of The Bethel City Council Supporting An Amendment To Chapter 05.04.020 Of The Bethel Municipal Code, Chauffeur Application For License

No one wished to be heard

MOVED:	Zulkosky	Motion to adopt Ordinance 08-04
SECONDED:	Leinberger	
VOTE ON MOTION		
All in favor		

Item B – Public Hearing Of Ordinance 08-06: An Ordinance Authorizing The Disposal Of 68,987 Square Feet Within The Surface Estate Of The Northwest Quarter Of Section 8, Range 71 West, Township 8 North, Seward Meridian, To The Highest Bidder

No one wished to be heard

MOVED:	Keppel	Move to adopt Ordinance 08-06
SECONDED:	Leinberger	
VOTE ON MOTION		
All in favor		
MOVED:	Zulkosky	Motion to suspend the rule to hear from the Planning Director
SECONDED:	Jorgenson	
VOTE ON MOTION		
All in favor		
MOVED:	Leinberger	Motion to suspend the rule to hear from AVCP Housing
SECONDED:	Jorgenson	
VOTE ON MOTION		
All in favor		
MOVED:	Leinberger	Move to amend Section 3 of Ordinance 08-06 so that \$50,000 of the proceeds from this disposal shall be deposited into a special use account for the purpose of further development of City property. The balance of the proceeds shall be deposited into the General Fund
SECONDED:	Zulkosky	
VOTE ON MOTION		
All in favor		

VOTE ON MOTION	4-2 Motion passes Williams and Keppel opposed
VOTE ON MAIN MOTION	All in favor

Item C – Ordinance 08-05: An Ordinance Authorizing The Disposal Of 19,000 Square Feet Within The Surface Estate Of The Northwest Quarter Of Section 87, Range 71 West, Township 8 North , Seward Meridian, To The Association Of Village Council Presidents Regional Housing Authority

MOVED:	Zulkosky	Move to table Ordinance 08-05 until the next regular meeting so that a Public Hearing can be properly posted.
SECONDED:	Jorgensen	
VOTE ON MAIN MOTION	All in favor.	

Councilmember Leinberger declared a conflict of interest and requested to be excused with approval from Mayor Middlebrook.

Item D – Approval Of Waiver For The City Of Bethel To Contract With KC Supply

MOVED:	Zulkosky	Motion to approve the waiver for the City of Bethel to contract with KC Supply.
SECONDED:	Jorgensen	
MOVED:	Zulkosky	Amend the motion to amend the waiver as written to read at the end, "The purpose of this waiver is to comply with BMC 4.20.240. It has been determined by Council that the requirements of BMC 4.20.240 are currently satisfied. If at any time before the expiration of this waiver the requirements of 4.20.240 are no longer satisfied, this waiver is no longer valid"
SECONDED:	Jorgensen	
VOTE ON MOTION	All in favor	

MOVED:	Zulkosky	Amend the motion so that the statement is included on all of the waiver forms.
SECONDED:	Jorgensen	
VOTE ON MOTION		
Motion Failed unanimously		
MOVED:	Zulkosky	Move to suspend the rule to hear from Dan Leinberger
SECONDED:	Leinberger	
VOTE ON MOTION		
All in favor		
VOTE ON MAIN MOTION		
All in favor		

MOVED:	Zulkosky	Move to suspend the rules to move Item F under New Business to the next Item of discussion
SECONDED:	Jorgensen	
VOTE ON MAIN MOTION		
All in favor		

VIII. NEW BUSINESS

Item F - Approval Of Waiver In Writing For Southwestern Technical Specialties

Mayor Middlebrook declared a conflict of interest Vice-Mayor Williams took over the chair

MOVED:	Zulkosky	Motion to approve the waiver in writing for Southwestern Technical Specialties to contract with the City of Bethel not to exceed \$5,000.00.
SECONDED:	Leinberger	
MOVED:		
Zulkosky Motion to amend the waiver as		

		with BMC 4.20.240. It has been determined by Council that the requirements of BMC 4.20.240 are currently satisfied. If at any time before the expiration of this"
VOTE ON MOTION	All in favor	
MOVED:	Leinberger	Amend the motion to add to allow Eric Middlebrook d.b.a. Southwest Technical Specialties/striking out for his company
SECONDED:	Zulkosky	
VOTE ON MOTION	All in favor	
VOTE ON MAIN MOTION	All in favor	

Mayor Middlebrook took over the meeting

MOVED:	Zulkosky	Motion to break for ten minutes
SECONDED:	Williams	
VOTE ON MAIN MOTION	All in favor	

MOVED:	Williams	Motion to suspend the rule to move Item O under new business ahead of Item A under new business
SECONDED:	Zulkosky	
VOTE ON MAIN MOTION	All in favor	

Item O – Draft Terminal Tariff #004 For Terminal Services At The Port Of Bethel Alaska

MOVED:	Keppel	Motion to suspend the rule to hear from the Port Director
SECONDED:	Zulkosky	
VOTE ON MAIN MOTION	All in favor	

MOVED:	Zulkosky	Motion that the City Manager and the Port Director coordinate to find
SECONDED:	Jorgenson	

		competent legal authority to review the Draft Terminal Tariff #004 for terminal services at the port of Bethel, Alaska
VOTE ON MAIN MOTION	All in favor	

Item A – Introduction Of Ordinance 08-07: An Ordinance Authorizing A Sales Tax Exemption From City Sales Tax On Fuel Purchased From The Combined Tank Farm, Serving Bethel, To Bethel Utilities Corporation

MOVED:	Keppel	Motion to introduce ordinance 08-07
SECONDED:	Williams	
MOVED:	Williams	Amend the motion to hold two public hearings on Ordinance 08-07 one on May 27 th and June 10 th 2008.
SECONDED:	Jorgensen	
MOVED:	Leinberger	Amend the amendment of the motion to reduce the Public Hearing to one.
SECONDED:	Williams	
VOTE ON MOTION	4-2 Motion passes Jorgensen and Zulkosky apposed	
VOTE ON MAIN MOTION	4-2 Motion passes Jorgensen and Zulkosky apposed	

Item B – Introduction Of Ordinance 08-08: An Ordinance Amending Ordinance 07-08 For Designation An Annual Budgetary Allotment For The Planning, Construction, Operation And Maintenance Of A Multiuse Recreational Center

MOVED:	Leinberger	Move to introduce Ordinance 08-08
SECONDED:	Jorgensen	
MOVED:	Keppel	Motion to table until the July 10th meeting
SECONDED:	Williams	
VOTE ON MOTION	Motion failed by an unanimous voice vote	

VOTE ON MAIN MOTION	4-2 Motion passes Keppel and Williams apposed
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Item C – Introduction Of Ordinance 08-09: An Ordinance By The Bethel City Council Increasing The Rates/Fees Charged For City Of Bethel Water And Sewer Services By 12%

MOVED:	Leinberger	Move to introduce 08-09
SECONDED:	Zulkosky	
MOVED:	Zulkosky	Amend the motion to hold two public hearings one on May 27 th and June 10 th .
SECONDED:	Leinberger	
VOTE ON MOTION	Motion passed unanimously	
VOTE ON MAIN	Motion carried 5-1 Middlebrook apposed	

MOVED:	Williams	Move to suspend the rules to amend the Agenda to move item j above item d under New Business and to take a ten minute break.
SECONDED:	Leinberger	
VOTE ON MAIN MOTION	All in favor	

MOVED:	Leinberger	Motion to go past 10:00p
SECONDED:	Jorgensen	
VOTE ON MAIN MOTION	All in favor	

Item J – Tundra Ridge Road Discussion And Direction

MOVED:	Williams	Move to suspend the rule to allow the public to testify on this issue.
SECONDED:	Leinberger	
VOTE ON MAIN MOTION	All in favor	

MOVED:	Zulkosky	Move to direct the City Manager to draft an extensive letter to the State of Alaska, encouraging open lines of communication in regards to the progress of the property in question; fairness is emphasized; the concerns the city has in liability and resolving the matter as expeditiously as possible.
SECONDED:	Leinberger	

MOVED:	Keppel	Amend the motion to direct the City Manager draft a letter with resolution to the State of Alaska emphasizing fairness, concerns and needs. Encourage the State to seriously consider the counter offer.
SECONDED:	Zulkosky	

VOTE ON MOTION	All in favor
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MOVED:	Zulkosky	Move to split the question
SECONDED:		

VOTE ON MOTION	Dies for lack of a second
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VOTE ON MAIN MOTION	All in favor
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MOVED:	Leinberger	Move to suspend the rule to move item E ahead of item D under New Business
SECONDED:	Jorgensen	
VOTE ON MAIN MOTION	All in favor	

Item E - Committee/ Commission Appointments

MOVED:	Zulkosky	Move to concur with the Mayor's appointment of Kristen Harrison to the Parks and Recreation Committee
SECONDED:	Jorgensen	

VOTE ON MAIN MOTION	All in favor
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Item D – Concerns On Resignations We Have Had In The Past Few Weeks

MOVED:	Keppel	Move to suspend the rule to move item N above Item G under New Business
SECONDED:	Williams	
VOTE ON MOTION	Motion failed with 4-2 Williams and Keppel in favor	

Item G – Discussion: Forensic Audit Of City Revenue

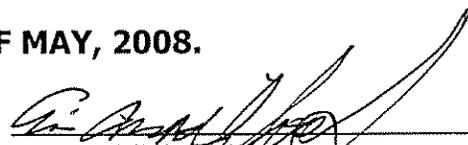
MOVED:	Williams	Motion to direct our auditing firm Altman and Rodgers to provide the City Council with a work paper on the Endowment Fund
SECONDED:	Leinberger	
VOTE ON MOTION	Adjournment prior to end of motion	

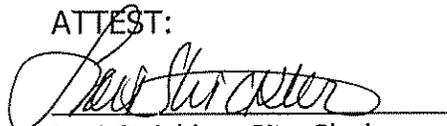
MOVED:	Williams	Motion to suspend the rule to hear from Jody Malus
SECONDED:	Keppel	
VOTE ON MOTION	5-1 Motion passes, Zulkosky apposed	

MOVED:	Keppel	Amend the motion to include the court house and the AML savings funds
SECONDED:		
VOTE ON MOTION	Motion dies for lack of second	

I. ADJOURNMENT

APPROVED THIS 27th DAY OF MAY, 2008.


 Eric Middlebrook, Mayor

ATTEST:

 Lori Strickler, City Clerk