

CITY COUNCIL

Kent Harding
Buford McComas
Tad Miller
Mary Pavil
Ruth Richardson, Mayor
Stanley Rodgers
Wally Wallace



CITY MANAGER

Ken Weaver

CITY CLERK

L.J. Tanner

City of Bethel
Regular Council Meeting Minutes
March 12, 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, Miller, Richardson, Rodgers, Wallace
Absent: Pavil (Resigned, effective 3/12/96)

III. PEOPLE TO BE HEARD

There were no people to be heard

IV. APPROVAL OF MINUTES

Buford McComas wanted to confirm that his absence from the February 27, 1996 meeting was excused. Mayor Richardson assured him that it was.

motion M/M by Miller, 2nd by Wallace to approve the minutes of the February 27, 1996 regular meeting as presented.

vote Voice vote. Motion carried unanimously.

V. APPROVAL OF AGENDA

motion M/M by Miller, 2nd by _____ to add an item to the Mayor's report to discuss a proclamation honoring the people who saved the women who fell through Brown's Slough last week.

withdrawn The content of the Mayor's report is not published on the agenda, so there's no need to formally amend it. The Mayor agreed to add Mr. Miller's item to her report.

motion M/M by Harding, 2nd by _____ to move Executive Session Item A, Discussion of Police Audit pertaining to Police Chief Position, to New Business Item B.

fail Motion failed for lack of a second.

Mayor Richardson pointed out that only Chief Liu may request that the discussion item be held publicly, and then asked Chief Liu what his preference was. Chief Liu responded that he would in fact prefer that the discussion be held publicly.

motion M/M by Miller, 2nd by Harding, to approve the agenda as amended.

vote Voice vote. Motion carried unanimously.

VI. MAYOR'S REPORT

Incoming Correspondence

Mayor Richardson reviewed the following correspondence:

- Resignation letter from Council Member Mary Pavil. The Mayor stated that she believes the candidate who received the 6th-highest number of votes in the October 1995 election should be offered the position (5 seats were elected.) Agnes Phillips received the 6th-highest number of votes, and the Mayor nominated Ms. Phillips for the Council position.

motion M/M by Miller, 2nd by McComas, to elect Agnes Phillips to fill the vacant Council position.

vote Voice Vote, Motion carried unanimously.

Council Member Miller suggested that a proclamation or certificate of appreciation be presented to Mary Pavil. City Clerk was directed to prepare a certificate for the next Council Meeting

- Letter from supporters of the road to Napakiak, asking for City support. City Manager Weaver was requested to prepare a full report for the next Council meeting.
- Letter from GTE regarding the 911 enhancement. Referred to the City Manager.
- Letter from the Bethel Chamber of Commerce commending the Police Department's recent bootlegging arrests.
- Letter from the "We Won't Take it NO More" Committee commending the Police Department's recent bootlegging arrests.
- Notice from the Alaska Federation of Natives of the Native Political Summit being held April 1-2, 1996, in Anchorage. Mayor Richardson will attend.
- Letter from the United Fisherman of Alaska, thanking the Council for passing a Resolution against the F.I.S.H. Initiative.
- Letter from DCRA, regarding cuts to the Summer Youth Employment Program. Referred to the City Manager.

Council Member Miller suggested that a proclamation of appreciation be presented to Mike Riley, Dalton Ross, and Bill Howell, for their rescue of two women who went through the ice on Brown's Slough. City Clerk was directed to prepare a certificate for the next Council Meeting.

VII. MANAGER'S REPORT

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

Item A: Memos from the Alaska Commission on Aging.

City Manager Weaver advised Council that the budget cuts referred to in the memos will probably not affect Bethel's Senior Center NTS or ADC programs.

Item B: Letter from City Planner to Foundation Services, re: YKHC Road.

Mr. Weaver stated that YKHC needs to get approval from the Army Corps of Engineers before continuing work on the road or subdivision.

Item C: Memo from City Manager re: Department of Community Services

Mr. Weaver discussed the proposed staffing and organization of the Department of Community Services, noting that Janet Athanas has been hired by the UAF Cooperative Extension, as the Youth Services Coordinator. She will replace Paula Stybor, who will resign effective March 22. Council Member Miller asked Mr. Weaver to submit a organization chart at the next Council meeting.

Item D: Alaska State Chamber of Commerce "Fiscal Notes" Newsletter

Information only, no discussion

Item E: Water & Wastewater Master Plan Update from Dames & Moore

Mr. Weaver reminded Council of the Water & Sewer Facilities Planning - Public Meeting to be held at the Log Cabin, Friday, March 15th, at 7:30 p.m.

Item F: Letter from State DOT/PF to the city, re: water trucks spilling

Council Member Miller asked the City Manager to draft an Ordinance to limit the speed of Water Trucks, because they are a public safety hazard and are hard on the roads.

VIII. REPORTS OF STANDING COMMITTEES and COMMISSIONS

Report from the Public Safety Commission

Gary Vanasse had been scheduled to give a report to the Council, but was not present. The Mayor gave the following report based on the Commission's March 4th meeting:

- Alcohol Sales Tax discussion: the Commission discussed Kotzebue's efforts to collect sales tax on alcohol imported to the City. Kotzebue passed an Ordinance which imposed a 6% use tax on alcoholic beverages, and provided for its' collection and remittance by the seller. The Ordinance was approved in their general election, and letters were sent to liquor outlets in Anchorage. Although not outlets have complied, Kotzebue collected nearly \$30,000 last year. Mayor Richardson spoke to Senator Hoffman

about possible legislation which would make collection and remittance of alcohol taxes mandatory. Because the deadline for introduction of new legislation has passed, only a Committee Chairperson can introduce new bills. Therefore, Representative Ivan, Co-Chairman of the House CRA Committee, has been contacted. Mayor Richardson noted that collection and remittance by the seller would eliminate the need to set up an alcohol delivery site.

- **Ridgecrest crosswalk:** Many people are concerned over the lack of a crosswalk near Watson's Corner. The DOT's plans to put a stop sign on Third Street only make things worse, because traffic would flow unimpeded from the Police Station to the Pump House. A Public Hearing on the matter will be held by the DOT, on Wednesday, March 27th, 3:30-8:30 p.m., at the Log Cabin.
- **Public Safety Department Concept:** The Commission is against the development of a Public Safety Department.
- **Cost of Protective Custody Cases:** The Commission recommends that the number of people from villages who are taken into protective custody in Bethel be published in the newspaper. Perhaps this will bring local pressure to bear on those individuals who come to Bethel for the purpose of drinking. In the future, perhaps names could be printed. The legality of printing names needs to be investigated.
- **Police Department Reserve Program:** The Police Department audit brought up issues of liability surrounding the Reserve's use of weapons, and the program has since been suspended by the City Manager. The Commission would like to see the Reserve Program re-instated.

Council Member Miller requested that the City Manager work with the Police Chief to re-instate the Reserve Program in an alternative capacity, even if they do not carry weapons.

Mr. Miller also questioned whether the complete audit had been released to the Public Safety Commission. Mayor Richardson responded that only the recommendations from the audit have been released. Council Member McComas argued in favor of releasing the entire audit, un-edited, to the Commission. He feels that the Council is obligated to give this information to at least the Public Safety Commission.

motion M/M by McComas, 2nd by Rodgers, to give the entire Police Audit Report to the Public Safety Commission.

vote Roll call vote, motion failed, 3-Yes, 3-No (Harding, Miller, Richardson)

Other Committee/Commission Reports

Finance Committee: No committee meetings have been held since the last Council meeting.

Planning: Council Member McComas announced that the next meeting is scheduled for March 14th. The road for the YKHC subdivision is almost complete. They are working on the CBDG for utility sheds for honey-bucket houses. There has been no progress on the Comprehensive Land Use Plan. City Manager Weaver pointed out the \$60,000-70,000 has been budgeted for the Comprehensive Land Use Plan, and he feels it definitely needs to be done. The question is should it be done in-house or contracted. Jim Hoppenworth, Planning Manager, addressed the Council and stated that he felt it could be done in-house, in spite of his busy schedule.

Port Commission: Council Member Rodgers referred Council to the minutes from the February Port Commission meeting in the Council Packet. The next meeting is scheduled for Monday, March 18th, at the City Dock.

Public Works Committee: Council Member Miller noted that recommendations from the sub-committees on Effectiveness, Efficiency, and Productivity; and Rolling Stock, are in the Council Packet. He would like to discuss the recommendations at the next Council meeting, after everyone has had a chance to read the report. Discussion followed on the deliverables from the Dames & Moore Master Plan project, and the recommendations made by the Rolling Stock sub-committee.

Senior Citizens: No report was given.

Transportation: Mayor Richardson reported on the last Transportation Commission meeting. The Commission is very busy, considering that there are 69 taxis operating in Bethel. So much work is involved in regulating the taxi business, she believes there should be a position in the Police Department to handle it. The Commission is looking into raising the fees charged for permits, as well as increasing the sales tax (currently, taxi drivers pay \$100 flat tax per month, rather than calculating and adding 5% to each fare.)

Youth Services Committee: Council Member Harding reported that once again, they did not have a quorum at their last meeting. They held a workshop on a Saturday afternoon, and were able to get a quorum then. They are developing a survey regarding youth services, and hope that the City Manager will agree to provide postage. Mayor Richardson added that Buster Richardson is looking into re-starting the evening siren which signals curfew time.

IX. OLD BUSINESS

Item A: Public Hearing on Ordinance #96-11: An Ordinance to authorize the lease of City Property to Omni Enterprises.

Mayor Richardson opened the Public Hearing on Ordinance #96-11. There being no comments, Ms. Richardson closed the Public Hearing.

motion M/M by Miller, 2nd by McComas to adopt Ordinance #96-11.

vote Roll Call vote. Motion carried, unanimous

Item B: Public Hearing on Ordinance #96-13 (as amended): An Ordinance to Amend City Code relating to Acting Mayor and Presiding Officer.

Mayor Richardson opened the Public Hearing on Ordinance #96-13. There being further comments, Ms. Richardson closed the Public Hearing.

main motion M/M by Miller, 2nd by McComas to adopt Ordinance #96-13.

vote Roll Call Vote: Motion passed, unanimous.

Item C: Public Hearing on Ordinance #96-14: An Ordinance Amending Title 2 to define the relationship of Department Heads to the City Manager.

Mayor Richardson opened the Public Hearing on Ordinance #96-14. There being further comments, Ms. Richardson closed the Public Hearing.

motion M/M by Miller, 2nd by Rodgers to adopt Ordinance #96-14.

vote Roll call vote. Motion carried, unanimous.

Item D: Public Hearing on Ordinance #96-15: An Ordinance to grant an easement to Bethel Utilities Corporation across Brown's Slough.

Mayor Richardson opened the Public Hearing on Ordinance #96-15. Buford McComas read a memo from the Planning Manager which contained amendments to be made to the Conditions of Disposal and Description of Property sections. Dave Trantham pointed out that the parcel referred to in the Ordinance is commonly known as Louie's Slough, not Brown's Slough. Allen DeSousa stated that the Port Commission would prefer to see wording that requires 40-foot utility poles, so that boat antennas can pass under the wires. City Manager Weaver stated that Stuart Greydanus, Port Director, has stated that the current wording, which requires utility lines to be placed at least 30 feet above the high tide mark, is sufficient.

motion M/M by Miller, 2nd by McComas, to amend Ordinance #96-15 per the memo from the Planning Manager, and by changing "Brown's Slough" to "Louie's Slough."

Council Member Rodgers compared the easement being granted to Bethel Utilities in Ordinance #96-15 to the purchase of an easement on Napakiak Drive for \$7,140 in Ordinance #96-7. He believes that City should not give easements away, then turn around and have to pay thousands of dollars to purchase an easement.

vote Roll call vote. Motion carried, Unanimous.

motion M/M by Miller, 2nd by McComas, to adopt Ordinance #96-15 as amended.

vote Roll call vote. Motion carried, Unanimous.

X. NEW BUSINESS

Item A: FAA Amendment to the City's Borrow Sales Agreement with the State DOT/PF

City Manager Weaver briefly explained the purpose of the agreement.

motion M/M by Miller, 2nd by Wallace to accept the amendments to the agreement.

vote Voice vote. Motion carried unanimously.

Item B: Discussion of Police Department Audit pertaining to Police Chief Position.

Council Member Miller pointed out that because of Ordinance #96-14, which was just passed, Chief Liu now reports to the City Manager, so that all personnel issues fall under the City Manager's purview.

Council Member McComas stated that he has had so many phone calls and questions that he believes it would be best to discuss the matter and put it to rest. The major points of his remarks were:

- Three officers have expressed, to Mr. McComas, their dissatisfaction working for Chief Liu; and several officers are planning to leave for other positions, at a time when the City needs to retain good officers.
- The recent arrests have occurred only because Chief Liu is afraid he may lose his job. The Chief's record of the last 4 years should be looked at, not just the past few months.
- The audit states that the Chief does not have the support of his officers, a lot of respect in the community has been lost, and members of the Council have lost their respect for Chief Liu.
- Chief Liu has stated that the recommendations in the report can be implemented in 3-5 years. If the changes haven't been made in the four years that Chief Liu has been on the job, how can anyone believe they will be made in the next 3-5 years? In 6 months, Mr. McComas believes, the audit will be forgotten.
- Chief Liu should not have been involved in editing the audit of his department.

Council Member Miller spoke in support of Chief Liu. He suggested that the City Council needs to take more responsibility for the conditions at the Police Department, since the Council determines the funding for the department. He pointed out that the audit did find that the Police Department was basically a good one, and run fairly and effectively considering the special circumstances in Bethel and low funding of the Department. He believes Chief Liu should be given the opportunity to implement the recommendations in the audit. The fact that the Police Department was audited is a big step in the right direction.

motion M/M by Miller, 2nd by Harding to express a vote of confidence to retain Chief Liu.

Discussion continued. Council Member McComas re-iterated his position. Mayor Richardson interjected that she would allow discussion to continue, but felt that Mr. Miller's motion was made prematurely.

motion withdrawn Council Member Miller withdrew his motion.

Council Member Rodgers stated that the Council is elected by the people, but shouldn't allow public pressure to drive their actions.

Council Member Harding brought up the fact that this wasn't the first audit to be conducted. More thought and work needs to go into responding to complaints. The public deserves better than rumours and innuendo.

Council Member Wallace agreed with Mr. McComas.

motion M/M by McComas, 2nd by Wallace to have the City Manager begin the process outlined in the January 9, 1996 letter from the City Attorney, regarding the potential termination of Chief Liu.

Council Member Miller remarked that one can be too eager to dismiss people. The audit should be used positively, and Chief Liu should have the chance to implement the recommendations. Next year, if the recommendations have not been applied, this discussion will be more appropriate.

Council Member Harding stated that the Council should look more closely at the Department's funding in the upcoming FY97 Budget process.

Mayor Richardson remarked that she believes in second chances, and giving people the opportunity to correct problems. In six months, the Council should review the progress made on the recommendations. This would be done internally, by the City Manager, and if the improvements were not made, the issue could be revisited.

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

Chief Liu was asked if he would like to address the Council. He remarked that it isn't easy to be the Police Chief in Bethel. He realizes that he isn't perfect, and has areas to work on. He would like to work with the Council on the issues. He believes that things are actually better in Bethel than they were a few years ago. There were some negative things in the audit, but when you look at it all together, the integrity and fairness of the department is still intact. Tangible incentives need to be given to officers, or they won't stay. In the 1980's, when Chief Liu arrived, they had officers come in for a day at a time from Anchorage. He appreciates to opportunity for growth.

XI. COUNCIL MEMBER COMMENTS

- Harding** Extended a big "Thank You" to Paula Stybor, Youth Center Coordinator, and Layne Smith, Program Specialist at the Youth center. Paula and Layne are both leaving Bethel in the next few weeks, and Mr. Harding expressed his appreciation for their time and effort in serving the youth of Bethel.
- McComas** Addressed the Police Chief, stating that his comments were not a personnel vendetta against Mr. Liu. However, he will be watching and listening to see if any improvements come about. He wished Mr. Liu good luck.
- Miller** Expressed his support for the Police Chief, whom he believes has the hardest job in town. Reminded Council of the Long-term Strategic Planning meeting on March 25th. Would like to develop a resolution to support the Bethel Middle School. Mr. Miller congratulated Mayor Richardson on her nomination for the Alaska State Chamber of Commerce women's award.
- Richardson** Ms. Richardson reminded Council that if anyone has complaints of any kind, these should be put into writing and given to the City Manager so that corrective action can be taken.
- Rodgers** Stated that he doesn't have anything personal against the Police Chief, but he would like to know why it has taken two years to investigate the Schaumler death. Police Chief Liu commented that it is common for homicide investigations to take several years, and that the DA's office and State Troopers have re-opened the case.
- Wallace** Stated that he has nothing against the Police Chief. The Council is not "after" Chief Liu. He will not be present at the March 26 City Council meeting.

Council Member McComas requested that the Chairman of the Public Safety Commission be allowed to review the entire Police Audit with the City Manger. Discussion followed on whether this would be legal. Mayor Richardson stated that the City Manager should find out if it's legal; if it is, Commissioner Vanasse should be allowed to review the audit, if not, he shouldn't. Dave Trantham requested that he receive a copy of the audit. Mayor Richardson replied that in her opinion, no one should get a copy of the audit.

Commissioner Vanasse expressed his appreciation to the Council for re-instating the Public Safety Commission. He stated that if anyone has any questions regarding what the Commission is working on, please ask. They plan to work with the Council and City Management as closely as possible on Public Safety issues in Bethel. The standard City complaint form will be used to process citizen's complaints.

XII. EXECUTIVE SESSION

motion M/M by Rodgers, 2nd by McComas to adjourn the regular meeting and enter Executive Session for the purpose of discussing an offer in the Crow vs. City of Bethel legal matter.

vote Voice vote. Motion carried unanimously.

motion M/M by Miller, 2nd by McComas to come out of executive session at 9:15 p.m.

vote Voice vote. Motion carried unanimously.

motion M/M by McComas, 2nd by Miller to accept, in principle, the offer from the Crow's Attorney, with further negotiation on where the moorage will be, the size of the vessel to be moored, and a stipulation that the City will have access to the seawall, at will, if it is not being used by the Crows.

vote Voice vote. Motion carried unanimously.

XIII. ADJOURNMENT

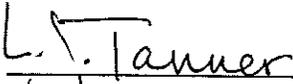
motion M/M by McComas, 2nd by Rodgers to adjourn the meeting at 9:20 p.m.

vote Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 26th DAY OF MARCH, 1996.


Ruth M. Richardson, Mayor

ATTEST:


L. S. Tanner, City Clerk