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CITY COUNCIL MINUTES
JULY 14, 1992

CALL TO ORDER Mayor Feaster called the regular Council meeting to order at 7:30 PM.

ROLL CALL Present: Feaster, Richardson, Vanasse,
Wallace, Wintersteen
Absent: Dale, Warner

APPROVAL/MINUTES M/M by Wintersteen, 2nd by Richardson to approve the minutes of the Special Council meeting of October 3, 1991, to canvass and certify the October 1, 1991, election as presented. Voice vote. Motion carried unanimously.

M/M by Wintersteen, 2nd by Vanasse to approve the minutes of June 23, 1992, regular Council meeting with the following corrections: Page 2, line 2, \$65,000 should be \$65,500; page 8, first paragraph, line 11, remove the word "carried"; and page 10, third motion should read "M/M by Warner, 2nd by Richardson... ." Voice vote. Motion carried unanimously.

M/M by Vanasse, 2nd by Wintersteen to approve the minutes of the Special Council meeting of June 26, 1992, as presented. Voice vote. Motion carried unanimously.

APPROVAL/AGENDA M/M by Wintersteen, 2nd by Wallace to amend the agenda by deleting Item XI--Planning Commission; under New Business, Item E, Executive Session, legal matters to be heard included Polty and Black vs. City of Bethel; City of Bethel vs. Alaska Rural Investments; and APEA vs. City of Bethel. Voice vote. Motion carried unanimously.

MAYOR'S REPORT Mayor Feaster thanked everyone who was connected with 4th of July, especially those who worked cleanup.

MANAGER'S REPORT City Manager Hohman reviewed his written Manager's report with Council on the following items:
--Planning Commission met on July 9, 1992.
--The City has maintained insurance coverage for FY 93.
--The dredging that was completed last winter fell under the Little Davis-Bacon wage

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structure which required the City to reimburse the contractor \$8,000 to conform to law.

--Administration has been working steadily on the dump in preparation for the inspection on July 20 by seven EPA representatives; in addition to inspecting the dump, they will be inspecting the dumpster sites.

--For the purpose of clarification, discussed possible use of the old City Hall for employee housing.

Regarding City property, Council directed Administration to proceed as follows:

- 1) Old Cutting Edge building: Pursue lease or sale and report back Council in the form of an agenda item;
- 2) Old Museum -- attempt to obtain relief of the \$13,000 obligation to the Moravian Church;
- 3) Old City Hall--dispose as previously directed by Council.

In response to a question from Councilman Wintersteen regarding the status of the dump, City Manager Hohman stated that the City was much better off than it was a few weeks ago; however, the EPA will probably write the City up on some things, such as hazardous material in the form of batteries that are strung out along the road (NAPA Auto Parts has committed to remove those batteries that do not have cracked cases; some of the cracked cases have been contained in fish totes); this procedure was recommended by Mr. Dronenberg of DEC. Another problem includes leakage from drums of roofing tar (these are being put on pallets to get them off the ground).

**COUNCIL MEMBER
COMMENTS**

Councilman Wintersteen informed Council that he had received a call from a citizen who was upset about the dust on the roads in Tundra Ridge.

Councilwoman Richardson thanked the Planning Commission for mustering a quorum.

Councilman Wallace thanked the Police Chief and the employees of the Police Department

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for the effort they made on the 4th of July at the Kuskokwim Inn.

In response to a question from Councilman Vanasse concerning the Tidelands Lease Survey, City Manager Hohman stated that it appeared to be caught in a bureaucratic snarl and that the Planning Manager has been in touch with the State Agency involved to obtain a resolution. Councilman Vanasse pointed out that the City had been working on the survey for about 2-1/2 years and further stated that it was time to do whatever was required to complete the project. In addition, Councilman Vanasse requested a written report from the City on the status of the survey.

Regarding the bids for the Ptarmigan Water/Sewer Project, City Manager Hohman stated that a partial materials list had been developed and the City has recently talked with Jordan Suhr concerning the project. Councilman Vanasse pointed out that the project was relatively small and suggested that the City force account to get the project completed. In addition, Councilman Vanasse pointed out that this was a winter project and materials should be received during the barge season. Council again directed Administration to submit invitation for bids for materials required to complete the project; the materials must be received during this barge season.

Mayor Feaster informed Council that the City Clerk has received requests for transcripts of either portions of or all of Council meetings, and indicated that a written policy should be established to accommodate such requests in a manner that does not place a burden on the Clerk's office. Council provided several suggestions and directed Administration to draft a policy for Council review at the July 28 meeting.

**REPORTS OF STANDING
COMMITTEES**

Mayor Feaster reported that the Finance Committee was scheduled to meet July 16, 1992, 7:30 PM at the City Office.

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Councilman Wallace reported that the Planning Commission met on July 9, 1992. The Commission reviewed and acted upon all agenda items except for one variance. He also informed Council that there are two vacancies on the Commission, making it difficult to muster a quorum.

Councilwoman Richardson reported that the Public Safety Committee was scheduled to meet July 15, 1992, 12:00 Noon at the Police Station. Agenda items include selection of a chairperson, review the sale of fireworks, and curfew hours for minors. In addition, Councilwoman Richardson informed Council that she had received a request that a meeting of the Transportation Commission be called to examine the possibility of licensing the fast food delivery drivers in the same manner as taxi cab drivers are licensed. Mayor Feaster stated that he would advise John Watts, Chairman of the Transportation Commission, of the request.

Councilman Wintersteen reported that the Port Commission was scheduled to meet July 20, 1992, 7:30 PM, at the Port Office.

Mayor Feaster reported that the Solid Waste Management ad hoc committee was scheduled to meet July 17, 1992, 12:00 Noon, City Conference Room.

PEOPLE TO BE HEARD Dave Trantham apprised Council of his experience during the past three weeks with harassment. He stated that the harassment began in the Council chamber at the June 23, 1992, Council meeting and carried over to harassment at his home. He further stated that he believed this harassment was taking place because he expressed his opinion on an unpopular issue that was before the Council at the June 23rd meeting.

Council broke at 8:15 PM for a short recess. At 8:30 PM, Mayor Feaster called the meeting back to order.

PEOPLE TO BE HEARD At 8:30 PM, as required by resolution, Mayor Feaster again opened the meeting to the

public for discussion of items not listed on the agenda. There were no people to be heard at this time.

OLD BUSINESS:

Item A: Public
Hearing--Amend.
#1 to Ord. #202

**PUBLIC HEARING: AMENDMENT #1 TO ORDINANCE
#202--PERSONNEL RULES & REGULATIONS**

Mayor Feaster provided a brief explanation of the amendment to the Personnel Rules and Regulations by pointing out that at the time the rules and regulations were adopted the situation existed whereby an employee could receive a promotion with the accompanying step increase and shortly thereafter receive another step increase on their anniversary date. The effect of the amendment is to make the anniversary date of the employee the date of the promotion thus preventing a double wage increase in a short period of time. Following the introduction, Mayor Feaster opened the public hearing.

Finance Director, Larry Elam, pointed out that while the anniversary date would become the date of promotion, for the purpose of assigning pension benefits, the Payroll Department would maintain two dates in the computer: 1) initial date of hire, and 2) anniversary date of promotion(s). There being no further comments from the public, Mayor Feaster closed the public hearing.

motion

M/M by Wintersteen, 2nd by Vanasse to adopt Amendment #1 to Ordinance #202, Personnel Rules and Regulations, correcting the grammar in Section 2, effective immediately. Poll vote. Motion carried unanimously.

Item B: MOA
Between IHS, City
of Bethel & AVCP

**PROJECT SUMMARY & MEMORANDUM OF AGREEMENT
BETWEEN THE INDIAN HEALTH SERVICE, THE CITY
OF BETHEL AND THE AVCP HOUSING AUTHORITY**

City Manager Hohman explained that Amendment #1 to the Project Summary and Memorandum of Agreement pertains to the twelve units that are being constructed in front of the AVCP Housing Authority. This project will bring to the City of Bethel \$100,000 in construction costs for the City's lagoon

project. Mr. Hohman pointed out that any time HUD makes an improvement the City is eligible for water and sewer funding to accommodate those housing units under construction.

motion

M/M by Richardson, 2nd by Vanasse to authorize Mayor Feaster to sign, on behalf of the City of Bethel, Amendment #1 to the Project Summary and Memorandum of Agreement between the Indian Health Service and the City of Bethel and the AVCP Housing Authority, Project No. AN 89-010. Voice vote. Motion carried unanimously.

NEW BUSINESS:

Item A: Intro.
Amend. #2 to
Ord. #202

**INTRODUCTION OF AMENDMENT #2 TO ORDINANCE
#202--PERSONNEL RULES & REGULATIONS**

Mayor Feaster explained that Amendment #2 to Ordinance #202 includes changes suggested by City Attorney, Brooks Chandler, the majority of which deal with language usage in the section regarding grievances.

M/M by Vanasse, 2nd by Wallace to introduce Amendment #2 to Ordinance #202, Personnel Rules & Regulations, for public hearing at the July 28, 1992, regular Council meeting. Voice vote. Motion carried unanimously.

Item B: Request
from BFS to Amend
Lease Agreement

**REQUEST FROM BETHEL FUEL SALES TO AMEND THE
FUEL THRU-PUT LEASE AGREEMENT**

City Manager Hohman explained that Warren Hulbert of Bethel Fuel Sales has requested an extension of time for payment of the fuel thru-put fee from 30 days to 90 days. Because of the increase in the dock user fee to 4 cents per gallon on incoming fuel, Mr. Hulbert is experiencing cash flow problems; he has recently received 6 million gallons of fuel for which payment to the City amounts to \$240,000. Following a lengthy discussion, Council requested Administration provide additional information and an addendum to the lease agreement between the City of Bethel and Bethel Fuel Sales for further consideration and discussion at the July 28, 1992, regular Council meeting.

motion

M/M by Richardson, 2nd by Vanasse to not take action on the request from Bethel Fuel Sales for an extension on payment of the fuel thru-put tax pending submission by Administration of an addendum that includes the changes to the lease agreement and a breakdown of cost to the City at the July 28, 1992, regular Council meeting; furthermore, that payment be stayed until the July 28, 1992, Council meeting. Poll vote. Motion carried unanimously.

Item C: Request
to Waive Wharf-
age Fee

**REQUEST FROM AVCP TO WAIVE WHARFAGE FEE ON
SHIPMENT OF DESERT STORM SURPLUS FOOD**

City Manager Hohman explained that AVCP anticipated receiving four 20 foot vans of surplus food from the Desert Storm operation which will be distributed to member villages and to the Eddie Hoffman Senior Center. AVCP is requesting waiver of the \$178 wharfage fee.

motion

M/M by Vanasse, 2nd by Richardson to waive the wharfage fee on four 20 foot vans of surplus food from the Desert Storm operation as requested by AVCP. Voice vote. Motion carried unanimously.

Item D: Resol.
#710

**RESOLUTION #710--TO ENTER INTO A COOPERATION
AGREEMENT WITH THE AVCP REGIONAL HOUSING
AUTHORITY PROVIDING FOR LOCAL COOPERATION IN
CONNECTION WITH DEVELOPMENT OF LOWER INCOME
HOUSING**

City Manager Hohman explained that the AVCP Regional Housing Authority is required to enter into a "Cooperation Agreement" with the City of Bethel as part of the application process to obtain HUD funding for construction of low income housing; Council has been asked to approve and complete the required documents (Resolution #710, signed Cooperation Agreement, Letter of Support, Certification, and Extract of Minutes) so that AVCP can apply for housing in Bethel. Discussion followed.

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motion M/M by Vanasse, 2nd by Richardson to table action on the request from AVCP Regional Housing Authority to enter into a "Cooperation Agreement" to the July 28, 1992, regular Council meeting and to invite AVCP's Executive Director to that meeting. Voice vote. Motion carried unanimously.

motion M/M by Richardson, 2nd by Wintersteen to go into Executive Session for the purpose of discussing legal matters--Polty and Black vs. City of Bethel; APEA vs. City of Bethel; and Bethel vs. Alaska Rural Investments. Voice vote. Motion carried unanimously.

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

motion M/M by Wintersteen, 2nd by Wallace to direct City Attorney, Brooks Chandler, to stay with the original offer made to Glennora Polty and Doreen Black in the legal case of Polty and Black vs. the City of Bethel. Voice vote. Motion carried unanimously.

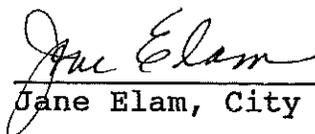
motion M/M by Wintersteen, 2nd by to Wallace in the case of City of Bethel vs. Alaska Rural Investment to direct City Attorney, Brooks Chandler, to proceed with the recommendation set forth in his letter to City Manager Hohman of June 22, 1992. Voice vote. Motion carried. 4-yes; 1-abstention (Richardson due to conflict of interest).

motion M/M by Vanasse, 2nd by Wallace to adjourn the meeting at 10:00. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 28th DAY OF July, 1992.


James H. Feaster III, Mayor

ATTEST:


Jane Elam, City Clerk