
City of Bethel, Alaska

City Council Minutes

April 23, 2002

Regular Meeting

Bethel, Alaska

CALL TO ORDER

A regular meeting of the Bethel City Council was held on April 23, 2002, at 6:30 p.m. in the council chambers, Bethel, Alaska.

Mayor Rodgers called the meeting to order at 6:32 p.m.

ROLL CALL

Comprising a quorum of the Council, the following were present:

Stanley Rodgers	Carl Berger
Sue Trantham	Dario Notti— <i>arrived 6:35</i>
Hugh Short, Jr.	Gary Vanasse

Excused absence(s): Jerry Drake

Unexcused absence(s): none

Also in attendance were the following:

Robert Herron, City Manager
Colleen Soberay, Acting City Clerk

SPECIAL ORDER OF BUSINESS

A. Proclamation congratulating the JROTC Drill Team for their performance in the State Championship

Mayor Rodgers presented the JROTC Drill Team with a proclamation and individual awards for their success at the State Championship.

PEOPLE TO BE HEARD

Darcy Anderson, Bethel resident, made a presentation to Council regarding Ice Classics. She explained the kick-off parade, fiddle dance and kite-flying event were all successful. Ms. Anderson said more than 300 kites were handed out at the kite-flying event. Ms. Anderson explained the next event to take place is the river breakup celebration. Ms. Anderson reviewed the Ice Classics 2003 goals and 2002 accomplishments. She said the organization met its goal of number of tickets sold for Ice Classics. Ms. Anderson asked Council to consider making a donation to Ice Classics in the FY03 budget and that she has sent the request through the city clerk's office. She said Ice Classics will continue to focus on community-based initiatives.

Ms. Anderson also made a presentation on behalf of Hoppy Whitman in regard to a grassroots event called First Night. She explained First Night in that the event is a family-oriented, community-based alcohol-free New Year's Eve celebration. Ms. Anderson also explained the history of this event and that it takes place in more than 200 communities nationwide. After explaining the event, Ms.

Anderson said Ms. Whitman requests that the City of Bethel be a sponsor by donating \$2,000 to help with the start-up of this initiative. Ms. Anderson provided Council with a handout.

APPROVAL OF MINUTES

MOVED BY:	Berger	To approve the minutes of the March 26, 2002 regular meeting
SECONDED BY:	Vanasse	

**corrections noted by city clerk.*

VOTE ON MOTION	Motion carried by unanimous voice vote.
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APPROVAL OF AGENDA

MOVED BY:	Vanasse	To approve the regular agenda and consent agenda after adding new business item G: off-road/ATV route in Bethel
SECONDED BY:	Berger	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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MAYOR’S REPORT

The Mayor’s Report included the following:

- Letter from Sue Charles — *Re:* Request for letter of support
- Letter from AML Director — *Re:* State municipal highway project coordination project
- Press Release from Senate Majority — *Re:* Senate majority restores food safety inspections
- Newsletter from Representative Kapsner
- Request for a donation by Cub Scout Pack 556
- Governor Talking Points for the week of April 15, 2002
- Press Release from Alaska State Legislature House and Senate Democrats — *Re:* Low income Alaskans under fire from GOP senators—SB 340 jeopardizes poor and rural families
- Press Release from Alaska State Legislature House Finance Committee — *Re:* SB 291 provides for health care, rural energy, security and tourism
- State budget update on jobs and economy
- *Bills on the Move*

MANAGEMENT TEAM’S REPORT

City Manager Herron noted the management reports included in Council packets.

- Denali Commission will hold its quarterly meeting in Bethel April 25—Deputy City Manager will attend the meeting
- Response to investigation regarding shrubs cut down by a City grader, brought to Council by John Wallace — two council members visited the site in question; willow shrubs were pruned, but trees were not. Manager Herron explained the results of the investigation.
- Yuut Elitnaurviat/People’s Learning Center — Consortium was certified as a nonprofit corporation; April 30, 2002 will be the first meeting of the newly formed corporation; bylaws will be adopted at the April 30 meeting

Council member Short asked for an up-date on the Police Chief interviews. Manager Herron explained interviews are scheduled for April 26 with one applicant from out of town and two in-house applicants.

Council member Short asked for an up-date on BNC/Crowley easement and use agreement negotiations. Manager Herron said the negotiating team should receive BNC/Crowley's latest document by April 24, and plan to bring a full report to Council at the May 14 regular meeting.

REPORTS OF STANDING COMMITTEES

Senior Advisory Board

Council member Berger said the Board is expected to meet before the next council meeting.

Parks and Recreation Committee

Council member Trantham said the committee discussed the City's comprehensive land plan in regard to open "green space." Ms. Trantham said the committee would discuss this again at its June meeting and possibly make recommendations for changes to the comprehensive plan. Ms. Trantham said the seawall park is also scheduled for the next meeting. She explained a group of 10 from the Junior Peace Corps will work for three weeks this summer at the Parks and Recreation log cabin. She said a special meeting is scheduled for May 1 to discuss the Parks and Recreation Department's FY03 budget and the committee is scheduled to visit Bethel parks June 19.

Planning Commission

Council member Notti said the commission met April 11, but he was unable to attend.

Port Commission

Mayor Rodgers said the commission met April 15 and reviewed the draft minutes in the Council packets. Mayor Rodgers said the next meeting is scheduled for May 20.

Public Works Committee

Council member Vanasse said the committee met April 16. He explained it was a short agenda and that the lagoon/solid waste study was postponed to April 23 for discussion. He said the Public Works Director will forward the committee's recommendations to Council.

Public Safety and Transportation Commission

Council member Drake said the Commission has not met since the last Council meeting.

Finance Committee

Council member Short said the committee has not met since the last council meeting. He said the next meeting is scheduled for April 25 and reviewed the agenda.

UNFINISHED BUSINESS

Item A — Presentation by CH2M HILL Re: Solid Waste and Sewage Lagoon Facilities Design Study and Master Plan Update for the City of Bethel

City manager Herron introduced CH2M HILL, Tom Wolf, to Council. City manager Herron briefly explained the history behind this study in that for the City to qualify for future Village Safe Water funding, the City had to complete a feasibility study.

CH2M HILL presented the following information in detail to Council and provided Council with graphs and diagrams:

- Purpose and need for the study—Landfill nearing capacity; lagoon problems; main lift station problems.
- Next steps to take—Receive direction from City; Develop phased approach.
- Status of study—Kick-off meeting was in July 2001; Information gathering; Waste load analysis; Design criteria; 35 percent of plan complete and meeting with Public Works Committee in August 2001; Community solid waste survey; Alternatives analysis; 65 percent of plan complete and submitted in December 2001.
- Recommendations for solid waste—Sheep’s foot compactor; Baler facility; Vertical expansion.
- Recommendations for wastewater—Replace main lift station and re-locate in more accessible location; Build wastewater treatment plant; Close lagoon.
- Estimated cost of Recommended Improvements—

Wastewater Improvements	Project Cost
• Main lift station	\$600,000
• New Treatment Plant	\$10-15 million
• Interim Lagoon Modification	\$1-2 million
Solid Waste Improvements	Project Cost
• Baler	\$250,000
• Compactor	\$250,000
• Building Costs	(included with wastewater facility)

City manager Herron asked that the Public Works Committee forward recommendations to Administration. He explained his top priority would be lift station improvements.

Mr. Wolf explained why the lift station is a top priority. Council discussed details of the study and the impact improvements would make in the City’s infrastructure. Council agreed the lift station should be dealt with as soon as possible. Mr. Wolf explained CH2M HILL would assist the City with funding packages for improvements and said funding agencies would be included in the final study. Discussion briefly ensued in regard to cost of the improvements.

Council member Short asked why CH2M HILL recommends a baler. Mr. Wolf explained the baler method is an alternative method. He explained the advantages to a baler including environmental differences. Discussion ensued.

MOVED BY:	Vanasse	To direct the Public Works Committee and City manager to present recommendations to Council for consideration at the May 14, 2002 regular meeting
SECONDED BY:	Berger	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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Item B — Public Hearing — Ordinance #02-13: Amending Council procedures for filling vacancies

MOVED BY:	Short	To adopt Ord. #02-13
SECONDED BY:	Berger	

Council member Berger explained to Council the information given to him by the city attorney. He said if Council makes this procedural change, it might interfere with other state statutes that may invalidate future actions by the Council. Council member Berger said the city attorney recommends Council not pass this ordinance. Council member Vanasse agreed with Council member Berger.

Council member Notti said this ordinance would violate the Open Meetings Act, which is why he would not support this ordinance.

Mayor Rodgers explained why he requested this ordinance be introduced in that he feels announcing the vote of Council members when appointing a new member violates privacy. He said he understands Council does not agree with this ordinance, but said he wanted the issue discussed.

VOTE ON MOTION	Motion failed by unanimous roll-call vote 0-6.
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MOVED BY:	Berger	To suspend the rules and move new business item C to unfinished business item C
SECONDED BY:	Vanasse	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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Item C — Discussion Item: City of Bethel in-house attorney

Rob Lewis, Finance Committee Chairman, said legal fees have increased and the trend indicates legal fees will continue to increase. Mr. Lewis explained that last year the City spent more than \$300,000 in legal fees. He said in talking with others, the City could save money by hiring an in-house attorney. Mr. Lewis continued that the in-house attorney would still work directly for Council. He said he is interested in Council thoughts on this issue.

Council member Short said the increase in legal fees in the financials is startling. Council member Short continued this issue should be researched further before making decisions. He asked Administration to provide a report to Council of salaries paid to local attorney, and said fees paid out to specialized legal services should be added to salary costs.

Manager Herron said he appreciates the Finance Committee reviewing the financials, but said the Committee should have researched more information. Manager Herron explained the legal fees structure in the budget in that all legal fees are lumped into one sum including settlements. Manager Herron also pointed out the city attorney collected \$200-500,000 in back taxes. Manager Herron provided Council a breakdown of estimated costs associated with hiring an in-house attorney.

Manager Herron recommended the Finance Committee continue to analyze the financial data and recommended that Council evaluate the city attorney. Discussion ensued regarding costs associated with an in-house attorney.

Council member Vanasse said he would like the Finance Committee to research this further and make recommendations. He also recommended that the City research the cost of hiring a paralegal to offset attorney costs. Council member Vanasse said monthly billing statements provided to Council would allow Council to monitor the costs. Council member Berger agreed with Council member Vanasse, but added the City has received good legal advice from the city attorney that resulted in less litigation.

Mr. Lewis said the Committee is in the process of exploring options. Dave Trantham, Finance Committee member, said Council member Vanasse raised a good point in that Council should monitor legal services invoices. He also said though names and detail of invoices are not public information, these items could be blacked out to allow the Finance Committee to review invoices. Mr. Trantham asked for Council's permission to review legal services invoices. Mr. Trantham continued that a in-house attorney could attend Council meetings for immediate response. Mr. Trantham said the Committee would like to review a lot more information before making a definitive recommendation to Council.

Council member Vanasse said he is unsure how much legal detail is public information. Mr. Trantham then requested that Council select two members to review the invoices. Council member Short agreed to work with Administration to determine confidential and non-confidential information, and said he would bring a report to the Finance Committee.

Manager Herron said this request sounds reasonable, as the city attorney works directly for Council. He also suggested Council meet with the city attorney to discuss the invoices.

Manager Herron said, in defense of the city attorney, a few City decisions are made that are disagreed with and people all of a sudden want a new attorney. Manager Herron explained that in the last four years, there has not been a lawsuit against the City.

Mr. Trantham said it is not the intention of the Finance Committee to discredit the city attorney, but the Committee works for Council and receives input from the public that should be addressed.

Council member Berger agreed Council should review city attorney invoices and should evaluate the city attorney. Discussion ensued.

MOVED BY:	Vanasse	To request copies of FY02 invoices from city attorney
SECONDED BY:		

VOTE ON MOTION	Motion withdrawn
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Discussion briefly ensued. Council directed Administration provide Council with billing prior to the evaluation of the city attorney.

NEW BUSINESS

Item A — Resolution #02-15: Adopting fees to implement ordinance #01-45

Dave Trantham, Finance Committee member, asked who would administer the inspections required in Ord. 01-45. Mayor Rodgers explained the City has an engineer. Mr. Trantham continued that he did not understand how Council could establish fees by resolution. The city clerk explained Ord. 01-09 provides for the authority to set user fees by resolution and said Ord. 01-45 requires fees.

Council member Vanasse asked if Res. 02-15 is necessary. Manager Herron responded that it is necessary and explained that Council requested Ord. #01-45 for the protection of the City. Council member Notti said it is the Council's duty to protect the City when dealing with projects the size of the fuel-tank project. Discussion briefly ensued.

MOVED BY:	Short	To adopt res. #02-15
SECONDED BY:	Vanasse	

VOTE ON MOTION	Motion carried with unanimous voice vote
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Item B — Planning Commission Resolution #02-04: Recommending to Council that BMC sections 17.24.228 through 17.24.280 pertaining to mandatory installation of piped water and sewer in new subdivisions be repealed pending a formal study of the impact on future development

Council member Vanasse asked the procedure for repealing this section of the Code. Manager Herron explained the process. Council member Vanasse asked if the City would have to pay for a study. Manager Herron said yes, if the City wants a study. Council member Vanasse recommended Council repeal sections 17.24.228 through 17.24.280, rather than order a study.

Council member Short said there are a lot of problems with these sections, but said the City will tax its own resources if it doesn't do something. He said he would like the City to explore water districts. Council member Short said he agrees the Council should repeal these sections, but said more discussion is necessary.

Council member Notti said he has been against this requirement from the beginning and said the Planning Commission requested the involvement of the Public Works and Finance Committees. He said the Planning Commission did not receive input on this issue.

Manager Herron said he remembers the Finance Committee held several meetings on this issue. He recommended the Planning Commission Resolution be amended to reflect the Finance Committee's involvement. Manager Herron agreed with Council member Short that more should be done than simply repealing these sections.

MOVED BY:	Vanasse	To adopt Planning Res. #02-04 with amendment as offered by city manager
SECONDED BY:	Notti	

VOTE ON MOTION	Motion carried with unanimous voice vote
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Item C — Discussion Item: City of Bethel in-house attorney — *Moved to unfinished business*

Item D — Introduction — Ordinance #02-14: Authorizing the disposal of a portion of land within the TACAN parcel Re: Lease to Bethel Native Corporation (BNC)

MOVED BY:	Berger	To adopt Ord. 02-14
SECONDED BY:	Vanasse	

Council member Notti said at the last Council meeting Council asked Administration to research leasing this property at a lower cost. Manager Herron explained the BMC requires this property to be leased at the appraised value, but that Council could exempt itself from this requirement. Council member Vanasse said he would like Administration to explore a land exchange with BNC. Manager Herron said he has already explored land exchange, but said BNC will not agree to a land exchange. Discussion briefly ensued.

VOTE ON MOTION	Motion carried with unanimous voice vote
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Item E — Introduction — Ordinance #02-15: Amending Chapter 2.04 of the BMC to provide a stipend for city council and participation in the PERS retirement program

MOVED BY:	Vanasse	To introduce Ord. 02-15 and set a public hearing for May 14, 2002
SECONDED BY:	Notti	

Council member Notti explained elected officials are eligible to participate in PERS regardless of the amount of stipend earned. He said he is not asking for a lot of money, only \$10 per meeting. Council member Notti said the PERS benefit would attract good, qualified members of the community to run for Council.

Council member Berger said he is already a member of PERS. He explained the money is not the only issue, rather medical benefits are an important benefit. Manager Herron explained retirement is based on the three highest-paid years, but building number of years in PERS is important. Manager Herron agreed PERS is an incentive for people to run for Council.

Council member Vanasse called the question.

VOTE ON MOTION	Motion carried by unanimous voice vote.
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Item F — City Manager presentation of the FY03 Budget to Council

Manager Herron presented the FY03 budget to Council. He reviewed the FY03 budget summaries.

Council member Vanasse requested each committee and commission receive a copy of the budget and hold a work session to discuss the budget as it relates to the department of that body.

Council discussed Council's budget work session schedule.

MOVED BY:	Vanasse	To continue the meeting past 10:00 p.m.
SECONDED BY:	Notti	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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Item G — Discussion item: Off-road vehicles route in Bethel

Council member Notti said that after more research he would bring an ordinance to Council for consideration. He explained state law gives local governments authority to accommodate off-road vehicles. Council member Notti said he would like an off-road vehicle route that would access most businesses and residential areas in Bethel. Council member Notti continued that he would like an ordinance to clearly require the City to map these roads for off-road vehicles.

Council member Vanasse recommended Council refer this discussion item to the Planning Commission and the Public Works Committee for recommendations.

Council member Notti said accommodating off-road vehicles would support villagers who support Bethel's economy. Mayor Rodgers said communities should be able to set its own roads and asked that Administration research how Nome and similar communities accommodate off-road vehicles. Discussion briefly ensued.

Manager Herron said he would work with Council member Notti and the Planning Department on this issue.

COUNCIL MEMBER COMMENTS

Council Member Berger said the Denali Commission is scheduled to meet in Bethel at the Longhouse April 25 and will also participate in the Chamber of Commerce meeting. He invited those interested to attend.

Council Member Trantham announced the Educational Summit will take place at the cultural center. Ms. Trantham also encouraged everyone to bring their child to work with them on Thursday. Ms. Trantham said she would not be available for the next two Council meetings.

Council Member Drake — no comment.

Council Member Rodgers cautioned the public to be careful on the river. He said the new superior court judge will be sworn in May 3 and welcomed the new judge to the community.

Council Member Notti said happy spring and cautioned the public about the river conditions.

Council Member Vanasse acknowledge the City employees public present at the meeting and encouraged their involvement. He said the Council can only operate with the information its provided. He welcomed public input and welcomed input from City employees.

Council Member Short — no comment.

EXECUTIVE SESSION

No executive session.

ADJOURNMENT

MOVED BY:	Vanasse	To adjourn the meeting.
SECONDED BY:	Short	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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With no further business before the Council, the meeting adjourned at 10:15 p.m.

APPROVED THIS 28th DAY OF MAY 2002.

ATTEST:

Stanley "Tundy" Rodgers, Mayor

Janette Persinger, City Clerk