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City Council Minutes
March 10, 1987

CALL TO ORDER: The meeting was called to order by Mayor Tom Warner at 7:35 pm.

ROLL CALL: All members present except for Ben Dale and Gerry Korthis (vacation).

APPROVAL OF MINUTES: The following changes/corrections have been made:

Page 4, Item B, last sentence should be: Diane Carpenter abstained from voting due to possible conflict of interest. (Resolution #500-KuCC)

Page 4, Item D, Ord. 166, Setting of Dock Charges, deleting the whole paragraph, and should read: Council took no action, and none was contemplated.

Changing the word "currenty" to "currency". (Same paragraph)

Page 5, under Warner's statement, "tetramental" typing error, should read:

Under Item G, Bethel Utilities, drop the words "potential & possible", should read: BETHEL UTILITIES - LITIGATION.

For clarity, on M/M by D.Chris, 2nd by B.Dale, to read: "to direct Mayor to write written evaluation for Police Chief, consulting with Tony and bring to Council for review."

D.Carpenter mentioned that ETHICS should have been included at this (3/10/87) meeting. Tony mentioned he would add it on.

M/M by D.Carpenter, 2nd by H.Edge to accept the minutes of 2/26/87 meeting as amended. Voice vote, motion carries.

SPECIAL MEETING OF 3/5/87: M/M by D.Chris, 2nd by H.Edge to approve minutes. Voice vote, motion carries.

APPROVAL OF AGENDA: T.Warner mentioned under Item D, Vehicle for Hire Ordinance, that the issue be dropped since it needs to be introduced yet; and present it as an introduction for next council meeting and for public hearing at the first meeting in April.

Interim Manager Vaska mentioned he had two additions for the Agenda: Unfinished business, Item E: Legal Review; New Business, Item C: Legal Matters - Executive Session. Plus discussion on ETHICS, which should have been in the packets, was briefly introduced by Tony. He said it was introduced 2 years ago to deal with basically Legislative activities, and eventually changed to ETHICS for public officials, and the last Legislative Session another bill was past for the Governor's Administration. Basically, the applicability of the Ethics legislation was passed two years ago and went into affect January 1 of this year. Since none of the Council members had a chance to review it, they postponed it until the next meeting (3/24/87).

D.Chris mentioned that the meeting after 11 pm, they are very much deminished; and when they are on heavy items of Agenda that they should simply table until next meeting. Feels they are spinning their wheels too much, and don't feel they are utilizing their time for best advantage.

T.Warner mentioned that they will discuss this item next meeting. D.Carpenter mentioned that since the Attorney was here, and if he had anything to discuss on this issue, that Council should hear about it. Mr. Chandler then mentioned that he had no specific comments to the offer concerning ETHICS law at this time; but mentions that if anyone has any questions, feel free to call him at his office in Anchorage. T.Warner then mentioned that this issue be on the 3/24/87 meeting under Unfinished Business.

motion

M/M by D.Chris, 2nd by H.Edge to accept agenda as amended. Voice vote, motion carried.

MAYOR'S REPORT:

T.Warner reported that they have recieved a number of responses for the advertising of City Manager, and the position was closing on March 20th; Council needs to decide how proceed with the review process. In the past they had formed a committee, and decide if Council should be involved in the initial review process, since some members prefer not to be involved, gives Council to think about it. Mentions that are quite a few potentially qualified applicants. 2nd Item, had Special meeting 3/5/87, supporting a Resolution by ONC community deveopment block grant request for \$500,000 to be directed for AVCP low income housing. Mr. Herzer was there to discuss that if ONC was to recieve that grant, that will enable the construction of water/sewer line in the most advantages route. The Resolution simply supports that.

Under appointments, Louie Andrew has requested reappointment for Planning Commission; Bob Brown and Ron Sumpstad have applied for Port Commission both have experience in water navigation; Ivan Widom applied for Finance Committee. All have been appointed.

MANAGER'S REPORT:

Interim Manager Vaska mentions he appreciates comments made by D.Chris regarding how much paperwork is in the Manager's report Thursday before the Tuesday meetings. Unfortunately alot of the material does not get to the office until either Monday or Tuesday of the same day, so it becomes a paper ordeal. There are several things that need to be taken care of by Council or Administration, most of which is in the minutes. Court had asked for a new paint interior paint job, and in the lease agreement and in the process of putting out RFP's to get an ideas of different prices to paint court building. Another option to look for is to find a way to save the City money.

Carl Berger, of YKHC wants to meet with Council to discuss possible transfer of the Phillips Alcohol Treatment program, to the Yukon Kuskokwim Health Corp. At this point, discussions are not solid, nor are they directed in terms of how this should be operated, or whether the different entity from City of Bethel should be operating it. He has indicated to Carl that it might be a while before it is introduced for discussion; if any of the Council members is interested in discussing the issue, contact Tony and he will coordinate a meeting (a very preliminary discussion).

Community Services report included in packet, fairly routine; any questions to contact him.

HCR 13 by Representative Hoffman, enclosed in packets; basically that concurrent resolution is asking Dept. of Transportation Public Facilities to put the State Highway on a higher priority than it currently is.

Bethel Chamber of Commerce passed a resolution regarding the Fire Dept's ability to act more efficiently; this would probably result in a lower fire insurance rates for Homeowners. Details of Heather's Barn fire is covered in the "Smoke Eater", a monthly report by Fire Dept.

Reports by Dale Wagner on PATC Project and Moravian Church property. Basically reports that PATC work is continuing slowly, and several delays occurred on the project; currently estimates the worker's to be about a month behind. The purchase of Moravian Church property according to Mr. Hicks, there is a void in the current City ordinances in the City's ability to acquire property in a method that's consistent with disposing of it on the statutes. The ordinance only indicates of how to dispose of property, but not acquiring it. The present method used by Council to acquire land is by Resolution and the statute is clear on how City will read the resolution. The difficulty is not

having set ordinances that show how the City might acquire land, puts the City some what disadvantage for specifying how the land transaction will come about.

Utilizing local vendors - the departments show they do use local vendors as much as possible. There is a system that shop uses which is probably the most formal than any other parts needed to the event of a call. A few acceptances, like for PATC who orders food from outside vendors, which is cheaper then from local vendors. In other cases, Fire Dept. and Police Dept. they have specialized items that do need to be purchased with outside vendors.

Legal Matters: A letter from Brooks Chandler explaining the definition of common carrier included in packet; plus a bill for attorney's fees from January 1, 1987 through March 1, 1987.

Bethel 1st 100 years: received several more thank you letters for sending them copies - included in packet.

Items not included in packet but will be this week, include a letter from Federal Government indicating that the City of Bethel is in compliance with handicap administrative requirement, basically the changes that Vaska had to make were that the City of Bethel needed to change some of the wording on the City of Bethel job applications. Also letter from Harbor Master regarding the buildings on the City dock and will be put in next meeting, basically is giving notice to owners of buildings on Bethel property and simply should be moved as early as possible.

Another item not included Resource Development Council conference to be held April 2 and 3.

Attorney has done couple of actions regarding the damage to the seawall; letter was sent to the barge company asking that they pay for the repairs needed for the cost of damages. Also a

memo on delinquent accounts, report from the Harbor Master; basically Council at some point will have to deal with delinquent accounts, since they seem to be routinely on yearly basis instead of one time to the next.

Also a proposed resolution to Council from Antone Anvil (who could not be at meeting this evening), but will be at 3/24/87 meeting to discuss this.

F.Reich mentioned he received mail to his home the standard Fire Dept. newsletter and also received a copy in his packet (speaking of too much paper work), and evidently picked one up from the street - Fire Dept. want to make sure enough papers to start fire? Tony mentioned he just got one copy addressed to City of Bethel, but if every council member gets a copy then he can stop the practice. Warner suggests that we just routinely include it in the packets from now on.

D.Carpenter mentioned she did not understand the report from Bowling Alley; Tony said that Frank is alone at the Bowling Alley Dept. working from 10 to 14 hours per day (on his own), and rather than hire a part-time temp. person, he wanted to work himself and doing quite well. His reports were only outside of the ordinary activities.

T.Warner commented in regards to the compliance with the Federal Handicap Regulations, an item that had come up a number of months ago and the City had responded once before and had made a number of changes before to be in compliance with what they were requesting; that was the final follow-up and now they are satisfied. Tony mentioned that yes they are satisfied and they only concern they had was the questions they ask on the applications. It was somewhat acceptable to them the section they were particularly concerned about dealt with policemen applying for jobs. They pointed out three areas that were unnecessary to ask and he felt they were easily solved over the phone.

COUNCILMEMBER
COMMENTS:

D.Carpenter said that couple of months ago, Fire Dept. was going to look into it, where they were on Disposal of Hazardous Waste in Bethel. Any idea of what kind of hazardous waste is being disposed of and that she had gotten a letter from a citizen who had hazardous waste to dispose of and had difficulty finding out of how to go about it. Feels the City needs to have a guideline of how to go about it. She wants it checked out to see where they are at.

D.Chris mentions that since Police Dept. now has a radar device that appropriate signs be posted around town. T.Warner mentions that now some of the posts are down due to the plowing. D.Carpenter mentioned that Council had approved some time ago the modification of the agenda, adding couple reports - but for some reason had been left out. But she would like to accept the formal agenda including Public Safety report and Finance Director report, they could be alternating, but should be on the agenda. Chief Clayton mentioned that he would not have a problem with it. This to start first meeting in April.

REPORTS OF STAND-
ING COMMITTEES:

W.Sattler from the Task Force reported that they have been meeting weekly through February from December and finished in February. He says he is very pleased with the work of the Task Force members; conscientious attendance and participation; functions are high with a degree of limited purpose; discussions were orderly; the handout report does not have details of all discussions, rather a more significant points and development conclusions which the Task Force meets. Does not have much of personal opinions by Task Force. They did have a wide range of expressions on the matter. They would expect the Council to have many questions about various solutions which were proposed. Task Force would be very happy to meet with council to further discuss the issue. One proposal/suggestion in the report pertaining to Council consideration and possibly adoption of

one resolution in support of Senator Binkley and Representative Hoffman regarding first felony convictions for bootlegging effects; would like Council to support that.

D.Carpenter asked if the options have been check with the ABC's to make sure they are ok. Mr. Sattler says he has.

T.Warner thanks Mr. Sattler and the Task Force for the effort that went into the report. Suggests that since Council had not had a chance to read it, that they schedule a work session later on.

F.Reich mentioned how many hours that Council put into this, and what hot a topic as when they were formed as group. Feels Council should do something to this document, not sure what; think that just because town is now quiet w/alcohol abuse thing, that this document will sit and gather dust. But sure as somebody will blow somebody away and they're drunk, somebody will scream to put control on alcohol in this town. So take this and efforts that Task Force had done and just to say we can't schedule a work session, when we are scheduling everything from taxis underneath us to all kinds of things. To him it shows that we're not treating people fairly. More than 19 people's lives at stake in this and they have this vehicle for hire ordinance thats hot and that permits 19 permits. This concerns the town and Council can't take half hour of their time and if they can't take action on the suggestions put before them, and meet with those people before they lose interest, because they do. Thinks a work session is appropriate with the Task Force quickly as possible.

Vaska mentions they have 2 tuesdays in April before the regular meetings, and can be scheduled then.

T.Warner says since he hasn't gotten a chance to read the report he loaths to speak on the issue. Add to 3/24/87 meeting and a discussion item, under New Business.

Athena Logan recommends that Council begin to really get familiar with the options, and if any questions that they are more than welcome to call and ask questions.

Other meetings, Planning Commission rescheduled their meeting last evening, two items, technical item being acceptance of replat of ASHA Housing plat, that was accepted. 2nd item was request by Joe Sullivan for a variance set back request on his side lot line.

PEOPLE TO BE
HEARD:

Warren Loschky of Northern Stars presented two items, in his opinion, that deserve to come to Council's attention for consideration: 1) Deleting the six (6) exemption classifications from the sales tax form; 2) Eliminating the penalty of five percent (5%) a month for late payment of sales tax. He asks that Council consider this aspect closely and his recommendation is that sales tax penalty be eliminated within thirty (30) days from this date. (March 10, 1987)

D.Carpenter mentioned that it might be a good idea for the Finance Committee to address this issue. Warner agreed with the issue.

Ivan Widom spoke up thanking the Council for appointing him for the Finance Committee and spoke on concern of sales tax audits being continued. He said he would hate to see it discontinued. Also mentioned on the First 100 Year of Bethel book, that Tundra Press has not been officially thanked for working on the books - asks council to write a letter. T.Warner mentioned that last meeting decided that the Sales Tax Audits to continue and also takes the opportunity to thank Rosie Porter and Tundra Press, Inc. for 1,500 copies of Bethel - First 100 Years Book to the City.

Traci Craig a student from KuCC spoke up that during the Spring, roads get pretty bad and just says to keep the roads in

good condition for driving. T. Warner mentioned that Streets/Roads Maint. try their best to keep the roads in good condition.

UNFINISHED BUSINESS: Mr. Chandler spoke up on the
ITEM A: APPEAL SALES definition common carrier: as used
TAX FAULKNER in Bethel exemption ordinance is an
entity licensed to perform carriage
services for the public, and actually
engaged in performing such services in
public. "Licensing" can range from
possessing a business license to
possessing all of the agency certifica-
tions required of regulated carriage
businesses. For tax purposes it makes
no difference whether the "common
carrier" is hired for charter services
or hired pursuant to published carriage
shedules. So the dump truck qualifies
as common carrier as long as it's
utilized to transport the goods; Stores
can only have goods delivered to his
business in town.

motion

M/M D. Chris, 2nd by D. Carpenter to
uphold the denial decision of the
Finance Director, and advise Faulkner of
how he can fit into this requirement.
Roll call, motion carries.

ITEM B: PORT
OPERATIONS-

Discussions on Tarriff rates for 1987.
Sarge comments that the rates are too
high and says that if rates were lower
the cargo for the Dock could be built
back up. Compared with Bristol Bay,
Naknek, and Dillingham, which they
handle the same types of cargo, etc.
Bethel does have better facilities, but
it just that rates are too high. Also
says some of the talk he is getting is
they (carriers) are starting to look
into the subsidization of by-pass mail
for Alaska when it isn't in any other
places.

D. Lefner from D & G Express says that
basically lowering the rates for tarriff
won't bring that much by-pass mail; he
says they are operating at a minnum to
handle the rates. Freight being down
right now, he says they can't
efficiently and safely operate the dock.
He says they had a loss last year.

D.Chris asked if (for clarity on Rosemary Porter's question) the figures (the 4 options) that the Port Commission had proposed whether they came from the existing tarriffs or proposed tarriffs. Sarge then said based on the 1987 figures they are from the proposed tarriffs; but says again they are too high. Further discussed that under Option 1, the only difference would be the City would not split dockage/wharfage 50% with KTC. (City would collect entire wharfage/dockage - get 50% more)

T.Warner clarified to audience that they are trying to decide how the Port will be operated this coming season; closes the Public Hearing.

motion

M/M by D.Chris, 2nd by D.Carpenter that Option 1 be adopted that City would collect dockage/wharfage fees, provided Harbormaster do the record keeping, maintenance, etc on the dock; firms be licensed to operate on the dock to do loading/unloading movement of cargo and their revenues be handling fees.
*Discussion: that handling fees be taken care of by company and City take care of the rest; whether option be for 1 or 2 years. F.Reich mentions that for the best interest to keep the contract short as possible to handle changing situations. Sarge corrects that there are no contracts but permits instead.

amended motion

M/M by D.Chris to read that the City will work the Dock under Option 1 for a period of two seasons.

D.Carpenter mentioned if it went from April 1 to October 1, talking about year and a half; and then if issue had to be considered at the end of the year, the Company could then plan for their following year; agrees w/2 season.

amended motion

M/M by D.Carpenter, 2nd by D.Chris by making the permit term for Option 1 a minimum of two (2) seasons, terminating October 1, 1988.

F.Reich commented that some point that we have to think of the best interest of

the City and kind of balance this interest of taking care of business relations in town. It starts to creep in to whole of bunch of what they try to do; we find ourselves down on cabs, crane operators, etc. and knows that they have strong voices for private sectors. But some point they might compromise what best for the citizens by taking care of businesses; and thats all he sees happening almost daily. D.Chris mentions that they think they are taking care of the public.

Roll Call, 4 yes, 1 no-F.Reich.
Amendment passes.

Back to consideration of original motion being for City to chose Option 1 for Operation of Dock for period ending October 1, 1988 - (2 shipping seasons). Roll call, 4 yes, 1 no-F.Reich.

TARRIFFS:

Proposed tarriffs with 3 options: 1) new dockage fees; 2) wharfage fees; 3) proposal for City to set handling fees. Basically two things to decide, whether City is going to set handling fees; and then is City accepting proposed rates.

Vaska suggests that City council at least have a say whether City Council should establish handling rates if in fact there is one handler.

T.Warner suggests that City set maximum fees and that it would be up to the firm whether they want to lower the rates or not. Sarge mentions that if City sets the rates then they will have to stick with it and live within that.

motion

M/M by D.Chris, 2nd by D.Carpenter to go past 10pm. voice vote, motion carries.

T.Warner clarified that if Council was to eliminate the handling tarriff and set the wharfage/dockage rates. Council agreed.

Sarge clarified that they do not set the whole tarriff, he says you file your revised pages - only a number of revisions that are made. Mentions that

City will be coming out with more revenue than last year, because of none is on a share basis.

T.Warner mentions he has no problems with any of the proposed rates, looks much more in line than other Western Ak. Ports.

motion

M/M by D.Carpenter, 2nd by D.Chris to adopt proposed dockage/wharfage rates. Roll call, all yes, motion carries.

ITEM C: PURCHASING PRACTICES

Interim Manager Vaska will have reports for Council on purchasing practices for Departments at next 3/24/87 meeting.

ITEM D: VEHICLE FOR HIRE ORDINANCE

T.Warner mentions that is an introduction for public hearing.

I.Widom mentions that idea for introducing an ordinance is to give Council and public an idea of what is being planned for adopting law in the City; and if it is going to typed up within 2 days or so, then public really won't know what Council is talking about. Feels just taking the ordinance as it stands now but is going to be modified to some extent doesn't make sense.

T.Warner says his recommendation would be not to introduce it tonight, but up to Council's wishes. Mentions that there was no quorum at the last work session. Instead set it for introduction for next meeting and once the ordinance has been retyped that Council authorize a legal review at that point. Council agrees.

ITEM E: LEGAL REVIEW

Interim Manager says there are a couple issues: 1) letter of collection to the Barge Co. for the damage of the dock. Mr. Chandler said that was done last week and nothing has been heard from Crowley since. 2) Case of Williams and Romer vs City of Bethel; others for Executive Session.

NEW BUSINESS:
ITEM A: PAINTING COURT SYSTEM

Interim Manager says that basically Court System is asking for Interior painting want specific guidance from Council for issuing RFP's for how much it would cost and also to explore

alternatives of cost if City did it on its own.

T. Warner suggest that Council direct the Administration to issue appropriate RFP's and also develop some projective costs if done in-house, for comparison purposes.

ITEM B: CHAMBER
COMMERCE RESOLU-
TION

Interim Manager says Resolution is fairly straight forward, basically shop is looking at how much time it is going to take to put them in also to purchase them. Report of Fire Chief was fairly close in terms of how much money is needed to spend for the equipment. Does not include the cost of buying a high speed pump for the pumphouse.

Subject moved to budget review week from tonight.

ITEM C: LEGAL
MATTERS

Basically reviewing Williams & Romer case, reimbursement request from the Insurance Company and the Middlebrook case; possible litigation in advertance to the dogs. Mr. Chandler added that there will also be couple of comments on law suit between Bethel Utilities vs City for refund on sales tax; and one involving City bringing suit against Insurance Carriers for damage.

motion

M/M by D. Chris, 2nd by D. Carpenter to go into Executive Session for purpose of reviewing legal matters. Voice vote; motion carries.

At this time, 10:41 pm, Council went into Executive Session.

Back in regular
session

At this time, 11:35 pm, Council came back to regular session, and decision was made to attempt to settle the Middlebrook litigation before trial; City Manager is directed to continue negotiations with Angstman regards to the distruction of 2 dogs. Decision on the request by the Insurance Co. for reimbursement, at this time is denied.

ADJOURNMENT

M/M by D. Chris, 2nd by H. Edge to adjourn at this time. voice vote; motion carries. 11:40pm

PASSED AND APPROVED THIS 24th DAY MARCH, 1987.

ATTEST:

Anna McGowan

Anna McGowan, Administrative Asst.
for Wayne J. Maiers, City Clerk

Tom Warner

Tom Warner, Mayor