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# City of Bethel, Alaska

## City Council Minutes

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September 25, 2001

Regular Meeting

Bethel, Alaska

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### CALL TO ORDER

A regular meeting of the Bethel City Council was held on September 25, 2001, 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:

Jerry Drake	Stanley "Tundy" Rodgers
Agnes Phillips	Dario Notti
Carl Berger	Karol Sanchez-Pobrislo
Thor Williams	

Also in attendance were the following:

Robert Herron, City Manager  
Colleen Soberay, City Clerk  
Paul Richards, City Lobbyist

### PEOPLE TO BE HEARD

**Stephan Koruba**, Bethel Recycling Center VISTA volunteer, spoke to council about the projects occurring at the Bethel Recycling Center. Mr. Koruba handed out a Bethel Recycling Center newsletter to Council. He explained to council the recent efforts to obtain a grant to allow for recycling of paper and cardboard and said he hopes to secure funding by the end of the year or early next year. He asked Council to envision what the City wants to do to maintain or improve recycling in the City. He invited Council to discuss a vision for recycling with him that he would very much like to hear council's ideas.

Council member Drake recommended Council meet with Mr. Koruba to discuss City recycling issues. City manager Herron said Mr. Koruba has been outstanding to work with and it would be good for Council to meet with him about individual issues and ideas for recycling.

**Yolonda Jorgensen**, manager and part owner of Northern Lights restaurant, spoke to council about Ordinance #01-17 that prohibits businesses from offering plastic shopping bags. She explained a petition was circulated and is now completed for the city clerk's office. She said the petition would allow the citizens to vote on the Ordinance on October 2. She reiterated that council should have sent it to the voters in the first place. Ms. Jorgensen reiterated the reasons she is against Ordinance #01-17 and reiterated the storage difference and cost difference. Ms. Jorgensen said the extra cost would no doubt be passed on to customers.

Mayor Rodgers read a letter from *Mary Gregory* under *People to be Heard* in support of Ordinance #01-32.

**APPROVAL OF MINUTES**

<b>MOVED BY:</b>	Notti	To approve the minutes of the August 28, 2001 regular meeting
<b>SECONDED BY:</b>	Drake	

*\*Corrections noted by the city clerk*

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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**APPROVAL OF AGENDA**

<b>MOVED BY:</b>	Drake	To approve the regular agenda and consent agenda after removing new business item I from the consent agenda and adding new business item L: discussion of Planning Commissioner Keppel; and adding old business item C: BIA Fire; D: Census study for population determination; and E: Ord. 01-12 cab rates
<b>SECONDED BY:</b>	Notti	

*Consent agenda: Resolution #01-28, Resolution #01-29, Resolution #01-30, Resolution #01-32, Resolution #01-33*

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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**MAYOR'S REPORT**

The Mayor's Report included the following:

- Governor's Talking Points for the week of August 27, September 3, 10, and 17, 2001
- Letter from Millie D. Bentley — *Re: Complaint and Request for Action*
- Letter from DCED — *Re: Shared Fisheries Business Tax Program*
- Letter from Municipality of Anchorage — *Re: \*Invitation to attend the E-enabled City Summit to address information technology as it relates to local governments*
- Letter from U.S. Dept. of the Interior — *Re: Alaska Resupply Operation—Consolidation Program for the FY2002 shipping season*
- Letter from AK Dept. of Transportation and Public Facilities — *Re: 2004-2006 STIP—Project nominations due by October 3, 2001*
- Letter from AML — *Re: 2001 Municipal Official, Municipal Employee of the Year Awards and Outstanding Contribution Award*
- Letter from AML — *Re: Resolution Condemning the Terrorist Attack on the U.S.*
- Newsletter — Representative Mary Kapsner
- Newsletter — Office of the Governor

**MAYOR'S APPOINTMENTS**

<b>MOVED BY:</b>	Drake	To approve the appointment of Mike Shantz to the Public Works Committee; and Charles Poe to the Public Safety and Transportation Commission; and Pat Jennings to the Planning Commission
<b>SECONDED BY:</b>	Phillips	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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## MANAGEMENT TEAM'S REPORT

City Manager Herron, noted the management reports included in Council packets and reviewed the following items with Council:

- Owl Park Community Development Block Grant (CDBG)—Grant is still open, as the P&R department is waiting to asphalt the park. City manager sought direction from Council in regard to closing the grant—modifying the grant—by purchasing needed equipment with remaining funds or waiting to asphalt the park. He explained that a community could have only one CDBG open at a time. If the City does not close the grant, it will not be able to apply for a new CDBG for \$350,000 for a senior center bus barn. Discussion briefly ensued.

<b>MOVED BY:</b>	Drake	To allow administration to modify and close the current CDBG making the City eligible to apply for another CDBG
<b>SECONDED BY:</b>	Williams	

Council member Sanchez-Pobrislo asked the city manager if asphalt was out of the question if the grant were closed. City manager Herron replied that the City would need to find another way to asphalt the park. She said she would like to see surface material bought with the remainder of the money, if possible, because she doesn't want to see a project go unfinished. Council member Berger said he is in favor of using the remainder of the funds now to close out the grant so the City is eligible to apply for another CDBG. Discussion briefly ensued.

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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City Clerk, Colleen Soberay, reviewed the following with Council:

- Western Alaska Technology and Education Cooperative (WATEC)—Cooperative formed in a meeting that occurred September 19 in an effort to bring technology into the region at all levels. UAF-KUC will take a pro-active direction to facilitate effective Information Technology (IT), curriculum development including application training, and associated economic development efforts in the delta. A three-prong approach—infrastructure, technology support and application and basic skills training.

City Lobbyist, Paul Richards, gave council an overview of what took place during the 1<sup>st</sup> session of the 22<sup>nd</sup> Legislature, which ended May 8, 2001.

Mr. Richards extended his appreciation to the council members who came to Juneau to help with lobbying efforts. He said Senator Hoffman and Representative Kapsner have been extremely helpful. He also recommended keeping up the lobbying efforts and said politicians like to see faces. Mr. Richards reviewed appropriations made for Bethel, which totaled \$3,390,000. He said he looks forward to working for Council in the 2<sup>nd</sup> session of the 22<sup>nd</sup> Legislature.

Council member Williams asked Mr. Richards if the State would be appropriating money to Bethel should an alcohol delivery site be required in Bethel. City manager Herron responded that the State would like to work with the communities where an alcohol delivery site would be implemented. Manager Herron also explained the legislation in regard to a mandated alcohol delivery site. Discussion ensued.

## **REPORTS OF STANDING COMMITTEES**

### **Senior Advisory Board**

Council member Berger said the SAB has not met for several reasons, but will begin meeting soon. Mr. Berger also commented on the recent break-in at the Senior Center and that the center's pet bird was killed during that break-in. Council member Berger reported the Senior Center Director has been successful in a recent grant effort.

### **Parks and Recreation Committee**

Council member Sanchez-Pobrislo said the committee's meeting was rescheduled for September 26, but will not take place due to a lack of a quorum. She said the next regular meeting is October 17.

### **Planning Commission**

Council member Notti said the commission met on September 20 and reviewed the agenda. He said the next meeting is scheduled for October 11.

### **Port Commission**

Mayor Rodgers said the commission met September 17 and he reviewed the minutes in the council packet.

### **Public Works Committee**

Council member Drake said the committee met on September 18 and reviewed the items discussed. Most of meeting was spent discussing a report from the Public Works Director and the Golden Eagle transit discussion on maintenance issues involving the school bus routes. The school buses road maintenance employees aren't scheduled to start until 7 a.m. and the school bus manager has to be out on the roads by 6-6:30 a.m. to decide what roads are safe to drive on any given day. He's made a request to try to work with Council and Public Works to get some people out earlier in the morning so that when there are problems the City can address them and the buses will have more lead time to make sure the busses can follow their normal routes. The director will work with the bus manager to make sure there are employees available for an early shift to ensure the roads are cleared up earlier to make it safer for the buses during the winter. City manager Herron said he is involved in the discussions and will implement a new schedule, if need be, as it is an administrative decision. Council briefly discussed.

### **Public Safety and Transportation Commission**

Council member Williams said he was unable to attend the September 10 or 14 meeting and a special meeting on September 17. He said the September 14 and 17 meeting did not occur due to lack of a quorum.

### **Finance Committee**

Council member Phillips said the committee has not met since the last council meeting.

*With no objection from Council, Council member Sanchez-Pobrislo moved back to the management team's report to discuss an item out of the mayor's report.*

Council member Sanchez-Pobrislo commented on a letter in the Mayor's report in regard to an IT Expo/E-enabled City Summit relating to local government needs that will take place in Anchorage. Council member Sanchez-Pobrislo asked if either the city manager or city clerk planned to attend on behalf of the City of Bethel. City manager Herron responded that the city clerk is scheduled to attend the meeting.

## UNFINISHED BUSINESS

### Item A — Public Hearing — Ordinance #01-32: Authorizing the disposal of a portion of Tract 1A Remainder, USS 3790 to David McCarr

<b>MOVED BY:</b>	Williams	To adopt ordinance #01-32
<b>SECONDED BY:</b>	Notti	

<b>VOTE ON MOTION</b>	Motion carried by unanimous roll-call vote.
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### Item B — Public Hearing — Ordinance #01-33: Budget modification—police and city clerk's department

<b>MOVED BY:</b>	Sanchez-Pobrislo	To adopt ordinance #01-33
<b>SECONDED BY:</b>	Berger	

<b>VOTE ON MOTION</b>	Motion carried by unanimous roll-call vote.
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### Item C — Discussion Item: BIA Site Fire

Council member Williams asked the city manager to provide an up-date on the efforts to recover costs associated with extinguishing the fire. City manager Herron said he is unaware that the Fire Chief has submitted a budget modification to the Finance Department. He said it has, however, been turned over to the Finance Director to seek remuneration from the BIA.

### Item D — Discussion Item: Census Study

Council member Williams asked administration to give a report on its findings. The city clerk explained that if Council decided to conduct a census study to rebut the State's population determination of 5,471, the City would need to conduct a census study every year to keep the new population number. She explained for purposes of state revenue sharing the state uses the most recent census numbers, which means each year the state would use its new census and each year the City would need to rebut the state's population number by conducting another population study. The city clerk explained to conduct a census is expensive and explained the options the state gave in regard to conducting a study to determine a new population for Bethel.

Council member Williams said the cost of doing a study is not what he asked. He asked administration to give council the pros and cons to a higher population for the City. The city clerk said she doesn't have any more information about pros and cons other than what council already knows. City manager Herron said in federal dollars it's about \$9,000 per person, so if the city is off by a 1,000 people than the city may be out \$900,000. There is a so-called magic number of 5,500 for non-conforming housing loan packages and state programs. City manager Herron reiterated that council would need to spend money on a census every year. He said because of this, administration decided to stop research and recommends Council not challenge the number this year.

Council member Berger said there used to be a cut off of 5,500 for state revenue sharing, but that number has been raised. He said the city clerk is right in that the state will do a population estimate during the next 10 years, but it won't be done for several years and once that's done it would be a higher number and an official number so the City wouldn't have to pay for a census each year. He said there are advantages to having the population number accurate and asked if perhaps

administration could ask the city attorney if there is any way to get around conducting a census study every year. Council member Sanchez-Pobrislo said the City needs an accurate count of the population in regard to providing services to the City and planning for the future such as the lagoon facility. Council member Drake said the group conducting the landfill/lagoon feasibility study was using higher numbers, using mathematical numbers—based on gallons used—because the group felt the population number was low. Council member Drake said because of the time constraints he thinks it is unreasonable to conduct a census in such a short time and that perhaps this could be raised again next year. Discussion ensued.

**Item E — Discussion Item: Ordinance #01-12 Taxicab rates**

Council member Williams said he brought this ordinance up to Council to point out that the cab industry is still charging the emergency-increased cab rates. He asked why a notice didn't go out to the cab industry reminding the industry to revert back to the lower rates. He said administration didn't follow through with the ordinance and that there should be measures to follow up on ordinances that expire so the public will be happy. Council member Notti said a lot of manipulation of the cab industry is happening and that the Public Safety & Transportation Commission should focus on safety and back off the cab industry. Mayor Rodgers said cooperation must exist among the City and cab industry. He said he agrees with Council member Williams that not reverting back to the lower rates is uncalled for. Discussion briefly ensued.

**NEW BUSINESS**

**Item A — Proclamation — Proclaiming October 7 – 13, 2001 as Fire Prevention Week and Commemorating the Great Chicago Fire of 1871**

*Mayor Rodgers read the proclamation to the public.*

**Item B — Discussion: Seawall Erosion**

City manager Herron reviewed the Corps of Engineers findings of the stabilization project. He provided Council with the detailed report. City manager Herron said it took most of the summer to deal with all of the recommendations made by the Corps. City manager Herron explained the condition of the seawall and said the Acting Port Director continues to work on erosion problems.

Council member Williams explained why he asked that this item be placed on the agenda. He said he talked with the Acting Port Director and listened to concerns about the seawall and he wanted to show his support for her efforts. He explained the concerns brought up to him and that he appreciates all of the information Council now has about the seawall stabilization project. Discussion briefly ensued.

**Item C — Introduction — Ordinance #01-34: An ordinance relating to the purchase of a 28-by-40 ft building from the Moravian Church for the purposes of providing additional building space for the Bethel Police Department**

<b>MOVED BY:</b>	Drake	To introduce Ordinance #01-34 and set the public hearing for the October 9, 2001 regular meeting
<b>SECONDED BY:</b>	Williams	

Council member Williams asked what the total cost for the building including the moving and renovation would be and would administration request a budget modification. City manager Herron explained it would probably cost more than \$100,000 total, but a complete budget request would be presented to Council if the building were purchased. Council briefly discussed the renovation costs. Council member Drake said this would only serve as a stopgap measure until a new facility was built. Discussion briefly ensued.

<b>VOTE ON MOTION</b>	Motion carried by roll-call vote; 5 yes, 2 no (Notti, Rodgers)
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**Item D — Introduction — Ordinance #01-35: Budget modification moving \$3 million from the Fund Balance to the Endowment Fund**

<b>MOVED BY:</b>	Williams	To introduce Ordinance #01-35 and set public hearing for October 9, 2001
<b>SECONDED BY:</b>	Phillips	

City manager Herron said a more sensible time to move funds into the endowment fund would be during the budget cycle. City manager Herron passed out a letter from Altman, Rogers & Co., City auditors/accounting firm, which recommends city administration oppose the transfer of \$3 million to the endowment fund. The city manager reviewed the letter with council and explained his position in that his recommendation is that Council defeat ordinance #01-35 for introduction.

Council member Williams explained why he introduced this ordinance in that the City carelessly withdraws from the General Fund. He also said he didn't appreciate that the city manager blindsided him with a letter from the city's auditing firm, that the city manager had plenty of opportunity to give him the letter before the meeting. Council member Williams said Council must ensure the city's financial future.

Council member Drake agreed with the city manager that a fund transfer of this nature should be dealt with during the regular budget cycle. Council member Sanchez-Pobrislo said Council has no reasoning or supporting evidence behind this ordinance. Council member Phillips said this ordinance should be referred to the Finance Committee for its recommendation and that the Finance Committee supports cutting back services to balance the budget. Discussion ensued.

**Moved by:** Williams — To amend the introduction main motion by referring Ordinance #01-35 to the Finance Committee for recommendations to be given to Council in May 2002

**Seconded by:** Drake

**Vote on Motion:** Motion failed by a voice vote 2-5 (Rodgers, Berger, Drake, Notti, Sanchez-Pobrislo).

<b>VOTE ON MOTION</b>	Motion failed by roll-call vote 2-5 (Rodgers, Sanchez-Pobrislo, Notti, Drake, Berger)
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**Item E — Introduction — Ordinance #01-36: Budget modification for Port Department**

<b>MOVED BY:</b>	Phillips	To introduce Ordinance #01-36 and set the public hearing for the October 9, 2001 regular meeting
<b>SECONDED BY:</b>	Drake	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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**Item F — Resolution #01-28: Accepting U.S. Army Corps of Engineers Letter Report "River Bank Stabilization, Brown's Slough to Small Boat Harbor Entrance"**

*Resolution #01-28 passed under the consent agenda.*

**Item G — Resolution #01-29: Designating a new Police Station/Public Safety Regional Training Center as one of the City's priorities**

*Resolution #01-29 passed under the consent agenda.*

**Item H — Resolution #01-30: Requesting capital funding through the VSW program**

*Resolution #01-30 passed under the consent agenda.*

**Item I — Resolution #01-31: A resolution condemning the terrorist attack on the United States of America**

Council member Drake explained AML Board of Directors recently passed a similar resolution and he also explained the resolution should be introduced by city council as a whole. Discussion briefly ensued.

<b>MOVED BY:</b>	Drake	To amend resolution #01-31 by adding that the city will make a donation to the relief efforts and to pass resolution #01-31 once amended and that each council member sign the resolution
<b>SECONDED BY:</b>	Phillips	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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**Item J — Resolution #01-32: Accepting Capital Project Matching Grant support**

*Resolution #01-32 passed under the consent agenda.*

**Item K — Resolution #01-33: Requesting Capital Project Matching Grant support**

*Resolution #01-33 passed under the consent agenda.*

**Item L — Discussion Item: Planning Commissioner Willy Keppel**

Council member Drake said Mr. Keppel was given an opportunity to be at the Council meeting. He said Mr. Keppel has given a verbal resignation to the Mayor and to the city clerk. Council member Drake said he would like Council to limit the amount of time allowed to Mr. Keppel to turn in a written resignation or Council would remove him. The City Clerk said, in regard to a motion made and passed during the Mayor's report, Mr. Keppel was already removed from the Planning Commission and someone was appointed to the Commission in his place. Council member Berger responded to the complaint letter in the Mayor's report against Mr. Keppel in that he wants the public to know that one commission member's comments do not reflect the entire commission or governing body. He said the public should continue to make Council aware of these types of issues. He also said if members of commission don't agree with something that

took place in a meeting, that person should deal with it in the meeting in the proper manner. Discussion briefly ensued.

### COUNCIL MEMBER COMMENTS

**Council Member Berger**—*no comment.*

**Council Member Sanchez-Pobrislo** gave her condolences to the Kline Family and said special prayers go out to the fire fighters involved with the September 11 terrorist attack. She thanked Chief Pettitt for leading a prayer during the remembrance of those who lost their life in the September 11 terrorist attack.

**Council Member Drake** said he feels the sales tax audits should continue and needs to be done regularly. He said he strongly feels administration should stay on top of the audits so as not to allow people to get too far behind with taxes owed to the City. He also said when we hear hate comments, as a community and individually, we should stop the comments. He also gave his condolences to the Kline family and wished his grandson a happy birthday.

**Council Member Rodgers** gave his condolences to the Kline family.

**Council Member Notti** gave his condolences to the Kline family and the families of the victims in the September 11 terrorist attack.

**Council Member Williams** thanked Paul Richards for his work. He reminded the public of the candidate debate at 7 p.m., September 27.

**Council Member Phillips** said everyone should vote. She thanked her son for getting a moose for the family.

### ADJOURNMENT

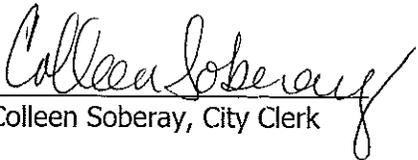
<b>MOVED BY:</b>	Phillips	To adjourn the meeting.
<b>SECONDED BY:</b>	Sanchez-Pobrislo	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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With no further business before the Council, the meeting adjourned at 9:50 p.m.

**APPROVED THIS 9<sup>th</sup> DAY OF OCTOBER 2001.**

ATTEST:

  
Colleen Soberay, City Clerk

  
Stanley "Tubby" Rodgers, Mayor