CITY COUNCIL
Donna Chris
Kent Harding
Buford McComas
Tad Miller
Joanne Swanson
Don Tubbs
Allan Wintersteen, Mayor

CITY MANAGER
William Hunter

CITY CLERK
Connie Tucker

City of Bethel

Regular Council Meeting Minutes
July 11, 1995

I. CALL TO ORDER

The meeting was convened at 7:30 p.m. by Mayor Wintersteen in the Log Cabin, Bethel, Alaska.

II. ROLL CALL

Present: Chris, Harding, McComas, Miller, Swanson, Tubbs, Wintersteen

III. PEOPLE TO BE HEARD

Roger Rothschild, Bethel, addressed Council regarding access to the weight room at the Youth Center. Mr. Rothschild stated he has been frustrated trying to work out at the weight room because the Youth Center had been closed the previous week and was still closed. Mr. Rothschild suggested the City provide 24 hour access to members of the weight room, either by installing a key padlock or allowing the key to be checked out from the Police Department. Mr. Rothschild also suggested the City add a surcharge to the membership fee for those people interested in 24 hour access. Council member Chris asked that this item be placed on the next Council agenda as a discussion item.

IV. APPROVAL OF MINUTES

motion M/M by Miller, 2nd by Tubbs to approve the minutes of the June 27, 1995, regular meeting as presented. Voice vote. Motion carried unanimously.

V. APPROVAL OF AGENDA AND CONSENT AGENDA

motion M/M by Chris, 2nd by Miller to approve, by consent, Item A under New Business. Voice vote. Motion carried unanimously.

motion M/M by Miller , 2nd by Harding to amend the agenda by adding New Business Item F: Resolution #95-38--A Resolution Opposing the U.S. Postal Service's Two Year Demonstration Program to Deliver Mail by Hovercraft. Voice vote. Motion carried unanimously.

motion M/M by Chris, 2nd by Miller to approve the agenda as amended. Voice vote. Motion carried unanimously.

VI. MAYOR'S REPORT

Mayor Wintersteen introduced Karen Rogers, partner, of Altman & Rogers, the accounting firm contracted to perform the City's annual audit. Ms. Rogers introduced Key Getty and Mike Jansen, who were assisting with the audit. Ms. Rogers invited the Council to stop by and ask any questions regarding the audit.

Mayor Wintersteen then read the Department of Transportation's erosion assessment for July 11, 1995, which is attached as part of these official minutes. Council member McComas also distributed and discussed a map of the Mission Road erosion area. Mr. McComas explained that the map showed the amount of ground lost on July 9 and 10, with no loss reported for July 11. Mr. McComas's map is also attached as part of these official minutes.

Clyde Wilkerson, U.S. Army Corps of Engineers, reported that the Corps planned on placing the first two bargeloads of rock at the Dock and stockpiling the rest. Mr. Wilkerson estimated that 800 more supersacks would be needed at the Mission Road erosion area to stabilize the base. Mr. Wilkerson also advised that the house owned by J.R. Thompson be moved before the pond area fell into the river. Discussion followed on contacting Mr. Thompson.

Mayor Wintersteen then discussed the revenue enhancement work session planned for July 17, 1995, and suggested it be rescheduled to July 20, 1995, to avoid conflicts with other committees and commissions and the Rural Providers Conference. After some discussion, Council agreed by consensus to set the meeting for 7:00 p.m., Thursday, July 20, 1995, at the Log Cabin.

Mayor Wintersteen referred Council to the Lobbyist's report and her suggestion that the Council write a letter to the Governor expressing the Council's displeasure at vetoing House Bill 122, which would have provided a three cent increase in marine fuel tax which would be distributed to the municipalities.

motion M/M by Miller, 2nd by Tubbs requesting the Mayor to summarize the Council's thoughts regarding the veto of HB122 in a letter to the Governor, and

question the Governor's reasoning behind the veto. Voice vote. Motion carried unanimously.

VII. MANAGER'S REPORT

City Manager Hunter referred Council to his written report and requested direction on the following items:

1. Underground Utility Lines at the Port

City Manager Hunter referred Council to his handout regarding the issue of burying utility lines at the Port. City Manager Hunter suggested that the City relocate the Port office off of the Dock, eliminating the need to bury the utility lines.

motion M/M by Miller, 2nd by Harding to refer the issue to the Port Commission for its recommendation.

Discussion followed regarding the Port Development Plan recommendations for burying the utility lines and relocating the Port office.

vote Voice vote on the motion. Motion carried unanimously.

motion M/M by Miller, 2nd by McComas to direct the City Attorney to draft a letter to the consultant on the Port Development Plan regarding the completion of the contract. Voice vote. Motion carried unanimously.

Informational Items/Discussion/Questions on City Manager's Report:

Council member Miller thanked the City Manager for working on the problem with the Napakiak Drive drainage. City Manager Hunter requested Council authorization to obtain an appraisal for a drainage easement.

motion M/M by McComas, 2nd by Tubbs to authorize an appraisal for a drainage easement on lot 445 and to draft an acquisition ordinance for that easement. Voice vote. Motion carried unanimously.

City Manager Hunter referred Council to his response to a citizen's complaint regarding speeding vehicles. Council member McComas questioned if the City could draft an ordinance that would prohibit children from playing in the rights-of-way of the streets. Mr. Hunter stated that he would have the attorney investigate the possibility.

Council member Harding stated he felt the laws were sufficient, however, the City needed resources to enforce the laws. Council member Miller suggested the City begin a "play in the park" campaign to encourage parents to take their children to the parks, and added that Council needed to provide parks to play in. Mayor Wintersteen suggested that the Police

Chief look into the laws in place, review enforcement of those laws, and perhaps establish an education/awareness campaign through the schools.

Council member Miller encouraged the City Manager to follow up on the hours of the Youth Center and to post a notice on cable if the hours were changed.

VIII. REPORTS OF STANDING COMMITTEES

Scheduled dates for upcoming Committee/Commission meetings were announced.

Council member McComas reported that the Planning Commission minutes were in the Council packet. Mr. McComas also pointed out that the utility company left an old utility pole on City property that was no longer in use and suggested it be removed.

Council member Tubbs reported that the Finance Committee meeting for July had been canceled.

Council member Harding reported that the Youth Services Committee still had not had a meeting due to lack of a quorum.

Mayor Wintersteen reported that the Senior Services Committee minutes from the June meeting were in the Council packet.

IX. OLD BUSINESS

Item A: **Public Hearing--Ordinance #95-12: An Ordinance Amending Section 4.16.010, 4.16.020, 4.16.050 and 4.16.090 of the Bethel Municipal Code to Change the Manner in Which Sales Tax is Collected and Remitted to the City on Sales of Games of Skill and Chance**

Council member McComas questioned how the City arrived at the amounts provided to the Council for Sales Taxes collected from gaming.

motion M/M by McComas, 2nd by Miller to postpone the Public Hearing on Ordinance #95-12 until the next meeting to determine how the figures were calculated.

Discussion followed on the ramifications of the ordinance and whether the ordinance would classify the tax collected as an income tax.

vote Poll vote on the motion. Motion failed, 3-Yes, 4-No (Chris, Harding, Tubbs, Wintersteen).

motion M/M by Miller, 2nd by McComas to table Ordinance #95-12 until the middle of August. Poll vote. Motion failed, 2-Yes, 5-No (Chris, Harding, Swanson, Tubbs, Wintersteen).

Mayor Wintersteen then opened the Public Hearing. There being no one who wished to speak, Mayor Wintersteen closed the Public Hearing.

motion M/M by McComas, 2nd by Miller to adopt Ordinance #95-12. Poll vote. Motion failed, 2-Yes, 5-No (Chris, Harding, Swanson, Tubbs, Wintersteen).

Item B: **Public Hearing--Ordinance #95-13: An Ordinance Amending Section 18.84.040 of the Bethel Municipal Code Entitled Penalties and Remedies**

Mayor Wintersteen explained that this ordinance requires contractors to ensure all required permits have been obtained by the property owner prior to the start of construction. Mayor Wintersteen then opened the Public Hearing.

Mike O'Brien, Bethel, spoke in favor of the Ordinance, stating that too much construction is going forward without adequate permits, and that this ordinance will require contractors to comply with all codes, including water and sewer.

There being no one else who wished to speak, Mayor Wintersteen closed the Public Hearing.

motion M/M by McComas, 2nd by Chris to adopt Ordinance #95-13.

Council member Miller spoke in opposition to the ordinance, stating that it would put enforcement responsibility on private businesses instead of the City, and would promote selective enforcement. Mr. Miller stated that the Council was evading the fact that the Planning Office was underfunded.

Council member McComas responded that the Planning Office now had the ability to provide a rapid response to requests for permit information from the contractors, and that the City would still inspect construction sites.

vote Poll vote on the motion. Motion carried, 6-Yes, 1-No (Miller).

Item C: **Public Hearing--Ordinance #95-18: An Ordinance Authorizing the Disposal/Lease of Property in Furtherance of Development of Local Trade or Industry--Omni Enterprises**

Mayor Wintersteen explained that Ordinance #95-18 would authorize the disposal of land by lease to Omni Enterprises for QFC I, and opened the Public Hearing.

There being no one who wished to speak, Mayor Wintersteen closed the Public Hearing.

motion M/M by Miller that the ordinance be accompanied by a map showing the land to be leased. Motion withdrawn.

City Manager Hunter explained that the intent of the lease was to accurately reflect the land that the building was sitting on, and that the original lease had expired years ago.

motion M/M by Miller, 2nd by McComas to table Ordinance #95-18 to the next meeting so that the following information could be presented to Council: zoning and platting information, a map listing the square footage, proposed use of the property and the lease amount. Voice vote. Motion carried unanimously.

Item D: Public Hearing--Ordinance #95-20: An Ordinance Amending Title 4 of the Bethel Municipal Code by Adding a New Chapter 4.10, Entitled Disposal of Personal Property of the City

Mayor Wintersteen explained that Ordinance #95-20 provides for disposal of personal property of the City, and opened the Public Hearing.

There being no one who wished to speak, Mayor Wintersteen closed the Public Hearing.

motion M/M by Miller, 2nd by McComas to adopt Ordinance #95-20. Poll vote. Motion carried, 7-Yes, 0-No.

Item E: Discussion Item--Cemetery

Council member Miller stated that this was an important issue to the community, and the Council has failed to take its responsibility seriously. Mr. Miller suggested the Council facilitate the process for establishing a new cemetery, and proposed forming an ad-hoc committee to create alternatives for the cemetery and then look into City involvement.

motion M/M by Miller, 2nd by Chris to appoint an ad-hoc committee to begin searching for another cemetery site.

Council member Chris asked for a report on drilling at the new cemetery site to test the water levels. City Manager Hunter stated that no report had come back.

Mayor Wintersteen suggested that the Council advertise on cable for interested people to serve on a committee.

vote Voice vote on the motion. Motion carried unanimously.

Council broke at 9:05 p.m. for a short break. At 9:15 p.m., Mayor Wintersteen called the meeting to order.

X. NEW BUSINESS

Item A: **Introduction of Ordinance #95-19: An Ordinance Amending Title 15 of the Bethel Municipal Code by Adding Chapter 15.12 Pertaining to Mandatory Placement of CATV and Telephone Lines Underground**

Passed by consent

Item B: **Resolution #95-37: A Resolution for the Sale of Certain Personal Property, Namely a Structure Temporarily Located on City Property, More Specifically Located on a Portion of Lot 3, Block 1, USS 870 (Tomaganuk House)**

Mayor Wintersteen read Resolution #95-37.

motion M/M by Chris, 2nd by McComas to adopt Resolution #95-37. Poll vote. Motion carried unanimously.

Item C: **Discussion Item--Roles of Committees and Commissions**

Council member Chris explained that the Council committees and commissions had been established to assist Council, but could not perform that function if the Council did not provide direction. Ms. Chris stated that if the committees and commissions took on more responsibility than allowed, it was the fault of Council. Ms. Chris asked that the Council review the suggestions from the City Clerk and make some decision regarding the roles of the committees and commissions.

Discussion followed on the method for reporting committee/commission recommendations to the Council and the reporting responsibilities of the department heads.

Council member Chris suggested the Council meet with each committee and commission during a regular meeting to review the committee/commission's role and provide goals and objectives.

Mike O'Brien, Public Works Committee Chair, supported Ms. Chris's suggestion and stated he would be willing to make a presentation to Council in an effort to obtain more direction from the Council. Mr. O'Brien also added that firm direction from the Council allows the committee to do its job better.

After discussion on the format for meeting with the committees/commissions, the Council agreed by consensus to hear presentations with the following schedule: Public Works Committee, August 8, 1995; Youth Services Committee, September 12, 1995; Port Commission, October 10, 1995.

Item D: Discussion Item--Creating a Public Safety Commission

Council member Miller stated that the Council needed to establish a Public Safety Commission to guarantee honest and fair government in the Police and Fire Departments. Mr. Miller added that the City needed to return to some citizen involvement in supervising those departments.

Discussion ensued on advisory boards, standing committees and special committees for each department as opposed to one commission for both departments.

John Wallace, Bethel, addressed Council as a former member of the Public Safety Committee, and expressed his displeasure with the disbanding of the committee. Mr. Wallace stated that the committee served an important role in that it provided a less formal arena for citizens to address problems.

Council member Miller stated that he would work on an ordinance establishing a Public Safety committee or commission for introduction to the Council.

Item E: Discussion Item--Napakiak Drive Drainage

This item was discussed under Manager's Report.

Item F: Resolution #95-38: A Resolution Opposing the U.S. Postal Service's Two Year Demonstration Program to Deliver Mail by Hovercraft.

Mayor Wintersteen read Resolution #95-38.

motion M/M by Miller, 2nd by Tubbs to adopt Resolution #95-38.

Council member McComas questioned if the resolution was premature since the environmental impact was not due until January, 1996.
Discussion followed on previous hovercraft projects and the noise involved with operating a hovercraft.

vote Poll vote on the motion. Motion failed, 2-Yes, 5-No (Chris, Harding, McComas, Swanson, Wintersteen).

XI. COUNCIL MEMBER COMMENTS

Council member McComas asked why the City was waiting on disposing of the old library building, and stated that Ordinance #95-12 was a good ordinance that would benefit the citizens of the City. Mr. McComas promised that he would work on the ordinance and reintroduce it.

Council member Miller stated that he had missed the discussion regarding confidentiality of Executive Session material. Mr. Miller stated that the rumors that he was the source of leaks were untrue, and that he spent most of his conversations with the media declining to confirm speculations. Mr. Miller also stated that he resented the innuendo that he was the source of any leaks. Mr. Miller also encouraged people to keep recycling and acknowledged Brian Glasheen's efforts.

Council member Swanson stated that the last few months had been an interesting challenge and, as co-coordinator of the dry petition, thanked the 289 people who had signed the petition.

Mayor Wintersteen asked if the garbage trucks were down again, because he had noticed that the dumpsters were full. City Manager Hunter responded that the trucks had been down, but were expected to be running again on Wednesday.

XII. EXECUTIVE SESSION

Item A: APEA Negotiations

motion M/M by Tubbs, 2nd by McComas to go into Executive Session for the purpose of discussing APEA Negotiations. Voice vote. Motion carried unanimously.

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

XIII. ADJOURNMENT

motion M/M by Chris, 2nd by McComas to adjourn the meeting at 10:50 p.m. Voice vote, Motion carried unanimously.

PASSED AND APPROVED THIS 1ST DAY OF AUGUST, 1995.

Allan Wintersteen, Mayor

ATTEST:

Connie Tucker, City Clerk