

City of Bethel, Alaska

City Council Minutes

April 27, 2004

Special Meeting

Bethel, Alaska

CALL TO ORDER

A special meeting of the Bethel City Council was held on April 27, 2004 at 6:30 p.m. in the Council Chambers, Bethel, Alaska.

Mayor Short called the meeting to order at 6:30 p.m.

ROLL CALL

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

Hugh Short, Jr.	Hugh Dymont
Stanley "Tundy" Rodgers	Dave Trantham
R. Thor Williams	Andrei Jacobs

Excused absence(s):

Unexcused absence(s):

Also in attendance were the following:

Bob Herron, City Manager
Amanda Byington, City Clerk

PEOPLE TO BE HEARD

APPROVAL OF MINUTES

MOVED BY:	Jacobs	To approve the minutes form the April 13, 2004 City Council meeting
SECONDED BY:	Williams	

Amendments to the minutes: change the vote on motion to 3-2; some typo errors; Item D to discuss with City Council;

VOTE ON MOTION	Motion passes unanimously
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APPROVAL OF CONSENT AND REGULAR AGENDA

MOVED BY:	Jacobs	To approve the consent agenda and regular agenda as amended
SECONDED BY:	Dymont	

MOVED BY:	Trantham	To table item C due to not receiving reports from Public Works and Planning Departments
SECONDED BY:	Rodgers	

VOTE ON MOTION	Amendment to motion passes 5-1 (Short)
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VOTE ON MOTION	Motion passes unanimously
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MAYOR'S REPORT

Mayor Short's report included the following:

- Application for the Senior Advisory Board from Carl Berger
Confirmed vacancy with the City Clerk

MOVED BY:	Rodgers	To confirm the appointment of Mr. Berger to the Senior Advisory Board
SECONDED BY:	Trantham	

VOTE ON MOTION	Motion passes unanimously
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- Clean-Up Green-Up flyer read into record
- Letter from Department of Military Affairs read into record about Flood Watch
- Press releases from the Legislative majority

MOVED BY:	Trantham	To release memo from Preston Gates & Ellis dated March 5, 2004 regarding the Senior Advisory Board.
SECONDED BY:	Dymont	

VOTE ON MOTION	Motion passes unanimously
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MANAGER'S REPORT

City Manager Herron's report included the following:

- Rescheduling of the Budget Meetings per Council request
- Letter from Mr. Korthis about lease for batteries.
 - Lot between Nappa and the Long House
 - Asking for an RFP for the same usage of storing batteries.
 - Long House using lot for parking, advised by City Manager to ask the City for permission to use as a parking lot.

Council Member Rodgers asked about opening the well that was spoke about a while back. Under the Master plan Update this will be a focus. But at this time, getting batteries out of community or a parking lot are short term projects.

City Manager Herron responded that fair market value will not be used for batter recycling, but for the parking lot yes that will be at fair market value.

MOVED BY:	Rodgers	To direct administration to continue short term lease and RFP on the parking lot
SECONDED BY:	Trantham	

VOTE ON MOTION	Motion passes unanimously
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- Grant Development Management report including items he has or will be working on.
- Calista opportunities where this corporation has numerous studies where the public can view any time are available in the City Clerk's office
- Denali Commission held meeting with the regions non-profit organizations and their notice to applicants to apply for funding, they have to part of a comprehensive plan.
- Fuel price index history from Yukon Fuel
- Confidential memo concerning the Tacan Site. Please advise after careful consideration

Council Member Jacobs asked about the Grant Manager's report: Bethel Public Transit System Plan, and CEDS June 2004 Bethel is supposed to have an update, and would like to review it before it goes out. City Manger Herron will provide a draft to Council.

Vice-Mayor Williams also had questions about the Grant Manager's report. He asked about the two water and two sewer trucks. He asked about the money coming out of the general fund. City Manger Herron said yes. He was also concerned about the grants now being documented; he wanted to know if we had not been reporting to the grant agencies. City Manger Herron said he would speak with the Grant Manager about that issue.

Council Member Dymont asked about the section of Solid Waste Think Tank where the Grant Manager recommended a concept paper to be submitted suggesting that one of their projects be completed in Bethel. Dymont asked for direction to go ahead with the concept submittal.

Vice-Mayor Williams had a question about thawing out some sewer lines. City Manger Herron agreed that it doesn't make any sense. He will get back to Council after he speaks with Public Works Director.

REPORTS OF STANDING COMMITTEES

Council Member Dymont reported that the Public Safety and Transportation Commission had not met since the last City Council meeting.

Council Member Jacobs reported that he missed the last Parks and Recreation Committee meeting; therefore, no report is available.

Mayor Short reported that there has not been a meeting of the Finance Committee since the last Council meeting. At the next meeting they will be receiving a presentation from Kip Knudsen about the possible take-over of the Airport operations.

Vice-Mayor Williams reported that the Port Commission met on April 19, 2004. He announced that Joanne Galliard has resigned. Design money for the moving of the Port office has come through; therefore it will stay where it is for now. Northland has moved to the old Rowley site for one year. Position three on the dock, there are two people contending for the space. Wood vine being in the Port is of some concern. Browns Slough easements are on hold right now. Port will be looking for a new Captain of the Port – Datu Sameulson old spot. Port will now be looking to fill that position.

Mayor Short asked if someone owes the City money, do we allow him to tie to our dock. City Manager Herron said that if someone does owe the City money it will be handled by a cash only basis.

Council Member Trantham reported that the Senior Advisory Board met April 19, 2004 in a Special Meeting. He referred to the Senior Director's management report. At that meeting they spoke about the approval of the new by-laws for the Board. He then spoke about the sub-committee for the new by-laws so that there will not be any more conflict between the by-laws of the Board and the BMC. He then went through the changes of the by-laws.

Council Member Rodgers reported that the Planning Commission had a full quorum at their meeting. The Donut Hole was discussed in detail. Notice came up about Quinhagak lane having a problem with a fire hydrant being in the way of a possible expansion. Vacating the lots lines between two lots and making them one to allow for a duplex. Site plane applications are really being submitted, yet the posting for the new buildings have not been posted.

UNFINISHED BUSINESS

- A. Ordinance #03-08(C): Mid Year Budget Modifications for the FY 03-04
 - Section 04-3T – Leased Properties Enterprise Fund
 - Section 04-3S – Port Enterprise Fund

MOVED BY:	Dymont	To approve Ordinance 03-08(C) sections 04-3 T as amended
SECONDED BY:	Jacobs	

Discussion Ordinance 03-08(C) cont...

MOVED BY:	Williams	04-3T, 53.55.643—Engineering fees for the Court House reduced from \$165,000 to \$150,000
SECONDED BY:	Dyment	

Discussions about having to front the cost of the fees. But once the loan package comes back, than the fund balance will be paid back. The loan is self-sustaining commented Council Member Dyment.

VOTE ON MOTION	Amendment to Motion passes 4-2(Trantham, Rodgers)
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*Discussions about how much revenue the Court House lease brings to the City. **City Manager Herron** responded by saying that the revenue is about \$10,000 per year. **Vice-Mayor Williams** then discussed who actually pays for the maintenance of the Court House. **City Manager Herron** responded that the City pays for the equipment for maintenance of the building, yet the Court System pays for the labor of the maintenance. Clarification of option 1 of the engineering design was requested by **Council Member Trantham**.*

MOVED BY:	Dyment	To withdraw 04-3 S from the original motion
SECONDED BY:	Jacobs	

VOTE ON MOTION	Amendment to motion passes unanimously
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VOTE ON MOTION	Motion fails 3-3 Roll call vote: Jacobs–yes, Dyment–yes, Trantham–no, Rodgers–no, Williams–no, Short–yes.
VOTE ON MOTION RECONSIDERED	Motion passes 4-3 Roll call vote: Jacobs–yes, Dyment–yes, Trantham–no, Rodgers–no, Williams–yes, Short–yes.

MOVED BY:	Rodgers	To approve Ordinance 03-08(C) section 04-3 S
SECONDED BY:	Jacobs	

***Council Member Trantham** would like to know why the \$10,000 from the calcium budget, yet asking for \$10,000 from the general fund. To pay for the new increases that are budgeted said the City Manager Herron.*

VOTE ON MOTION	Motion passes 5-1 with a Roll Call Vote: Rodgers–yes, Trantham–no, Jacobs–yes, Dyment–yes, Williams–yes, Short–yes
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10 minute break

MOVED BY:	Williams	To reconsider his vote on Ordinance 03-08(C) section 04-3T
SECONDED BY:	Dyment	

VOTE ON MOTION	Motion passes 4-2 (Trantham, Rodgers)
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B. Ordinance #04-05: An Ordinance amending section 4.04.080 of the Bethel Municipal Code regarding when requests for supplemental appropriations need to be submitted to the City Council

MOVED BY:	Jacobs	To approve Ordinance #04-05: An Ordinance amending section 4.04.080 of the Bethel Municipal Code regarding when requests for supplemental appropriations need to be submitted to the City Council
SECONDED BY:	Rodgers	

***Council Member Dyment** asked for responses from the City Manager about the Ordinance. **City Manager Herron** explained that the Administration will do what is needed if this passes.*

***Vice-Mayor Williams** explained that the history of the department heads taking the responsibility of the huge overdrafts without letting Council know what is going on until the budget modification. The Council approves a budget, yet department heads are over-drawing that budget by huge amounts.*

***Mayor Short** stated that this ordinance is a lot like micro-managing. He said it is excessive and that the issue seems to be a personnel issue and should be handled on that level.*

VOTE ON MOTION	Motion passes 4-2 with Roll Call Vote: Trantham–yes, Jacobs–no, Rodgers–yes, Dyment–yes, Williams–yes, Short–no
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- C. Resolution #04-12: A resolution of the Bethel City Council to accept the Kasayuli Subdivision Water and Sewer Feasibility Study dated April 2004 as presented by CRW Engineering Group, LLC. This document contains recommendations for the phased construction of water and sewer improvements for the Kasayuli Subdivision and is needed to request Sanitation Deficiency Funds for the proposed improvements

MOVED TO NEXT MEETING

- D. Resolution #04-14: A Resolution of the Bethel City Council rejecting the revised regulations 11 AAC 150, 11 AAC 180, AND 11 AAC 185 in their entirety and finding them to be beyond the scope of the underlying legislation, overly vague, not subject To clear and consistent interpretation, and contrary to state and local interests, and the historic traditions and intent of the Alaska Coastal Management program (ACMP)

PLANNING DIRECTOR, JOHN MALONE, RECOMMENDED THAT THIS RESOLUTION IS NOT NECESSARY.

NEW BUSINESS

- A. Resolution #04-15: A resolution of the Bethel City Council giving support to the National Guard and Reserves

MOVED BY:	Jacobs	To approve Resolution #04-15: A resolution of the Bethel City Council giving support to the National Guard and Reserves.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion passes unanimously
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The Council had discussion about the letters of interest for the Council vacancy. Council Member Trantham asked about having an APOC filled out with their letters of interest. City Manager Herron responded that he would get with the City Attorney to find out for sure and will get back to Council.

Break 5 minutes

EXECUTIVE SESSION

MOVED BY:	Rodgers	To adjourn into Executive Session to discuss the matter of issued travel advance for the Alaska Municipal League Convention in November 2003. The subject may tend to prejudice the reputation and character of Council Member Dario Notti, who has been notified and has requested discussion in executive session.
SECONDED BY:	Williams	

VOTE ON MOTION	Motion passes unanimously
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Council came out of Executive Session at 9:15 PM

MOVED BY:	Dyment	To direct the City attorney to draft a legal document of money owed: \$1,105.68, plus interest at 5%, retro-active to March 24, 2004, per annum and that the payment is due within ten calendar days of the date signed by all parties, and to send the Gordon Tans document to the District Attorney.
SECONDED BY:	Jacobs	

MOVED BY:	Dyment	To delete Confession of Judgment
SECONDED BY:	Williams	

VOTE ON MOTION	Amendment to motion passes unanimously
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MOVED BY:	Dyment	To send the Gordon Tans document to the District Attorney
SECONDED BY:	Rodgers	

VOTE ON MOTION	Amendment to motion passes unanimously
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MOVED BY:	Williams	To make the incurred interest of 5% retro-active to March 24, 2004
SECONDED BY:	Dyment	

VOTE ON MOTION	Amendment to motion passes unanimously
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VOTE ON MOTION	Motion passes 6-0 with a Roll Call vote: Dyment-Yes, Trantham-Yes, Jacobs-Yes, Rodgers-Yes, Williams-Yes, Short-Yes
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COUNCIL MEMBER COMMENTS

Council Member Rodgers ice is almost gone, be careful on vehicles, hug an elder.

Council Member Trantham thanked Council for removing classification of document referring to the Senior Advisory Board. He received invitation form office of the Governor to attend a teleconference. He did attend the teleconference, and spoke of it in detail. Council Member Jacobs was selected as a team leader for a lobbying group and he himself was also a team leader for a different group.

Vice-Mayor Williams

MOVED BY:	Williams	To direct the City Clerk and City Manager to draft a letter to all the villages saying we got their requests for an alcohol delivery site.
SECONDED BY:	Jacobs	

VOTE ON MOTION	Amendment to motion passes unanimously
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Vice-Mayor Williams also spoke about water districts within the community and the expenditures. He wants to see the business plan for the Fire Log Recycling Project. He also met with the Special Olympics. They would like to come back to Bethel and are looking for people to work with the disabled and are looking for support. He was asked about burned downed buildings and how the City is handing them. They are an eye-sore and are hazardous to the community.

Council Member Jacobs thanked the community for allowing him to go to Juneau. He attended a Board of Directors meeting and was asked to speak. He spoke about Tribal Governments being allowed in to the Alaska Municipal League. He also met with a few people of the Legislature. He was asked to peak in place of a key-note speaker at a retirement reception, he thought this was a good representation from the City of Bethel for the attendance at the reception.

Council Member Dyment he feels they confronted some difficult decisions, and can't wait to keep working together in the future.

Mayor Short thanked Vice-Mayor Williams for attending the ceremony at the National Guard. He got concurrence from Council to hang the picture from them to us in Council Chambers.

MOVED BY:	Jacobs	To adjourn the meeting at 9:50 pm.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion passes unanimously
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APPROVED THIS ___ day of _____ 2003.

ATTEST:

Hugh Short, Jr., Mayor

Amanda Byington, City Clerk