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CITY COUNCIL MINUTES
AUGUST 11, 1992

CALL TO ORDER In the absence of Mayor Feaster and by acclamation of all council members, Councilman Warner served as presiding officer of the Council meeting. Acting Mayor Warner called the regular Council meeting of August 11, 1992, to order at 7:35 PM.

ROLL CALL Present: Vanasse, Wallace, Warner, Wintersteen
Absent: Dale, Feaster, Richardson

APPROVAL/MINUTES M/M by Wintersteen, 2nd by Wallace to approve the minutes of the July 28, 1992, regular Council meeting as presented. Voice vote. Motion carried unanimously.

APPROVAL/AGENDA M/M by Wintersteen, 2nd by Wallace to amend the agenda as requested by City Manager Hohman by holding the City Manager's evaluation in open session, thus removing Item G from Executive Session. Voice vote. Motion carried unanimously.

MAYOR'S REPORT Acting Mayor Warner referred Council to a letter from Governor Hickel outlining the capital funding that was approved for the City of Bethel for FY 93 and a letter from the Department of Education, Office of the Commissioner.

MANAGER'S REPORT City Manager Hohman reviewed his written Manager's report with Council on the following items:

- Settlement with Alaska Rural Investments.
- Settlement in the Polty & Black legal matter.
- Reinstatement of staff attorney position; Chris Provost has indicated an interest in the position. While the position is still listed in the budget, it is not funded; however, it is possible that funding from the legal fee line item (\$80,000 budgeted) could be diverted for that purpose.
- Lease agreement with Bethel Fuel Sales has been signed by Warren Hulbert and the City Manager.
- Pacifica Institute students helped with three City projects: landscaping; painting

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Police building; constructing shelter cabins.
--Status report on property disposal projects.

--Upcoming presentation by the Corps of Engineers on the status of the stabilization project.

--Bethel Group Home land use permit; interested in expanding their services to the community; joint effort by YKHC, AVCP, City of Bethel and Bethel Group Home. The City's role involves assisting BGH to obtain additional land that is needed for the buildings, and for construction of an 8000 square foot pad and an access road. State monies will be used for the project.

--FY 94 City water and sewer capital projects list is due September 15, 1992.

--City has gone to bid for the Tundra North project; however, Steve Eng of Village Safe Water has requested that the City suspend further action for reasons stated in his letter of August 6, 1992. In response, City Manager Hohman wrote Mr. Eng stating that the City's interest was to purchase the materials and have them placed on site until such time as the sewer lagoon problem was cleared up and the moratorium on construction had been lifted. Following that, the City could then proceed to complete the Tundra North project.

--APEA argument in its case against the City.

--Request from YKHC for support of its EMS Competition project in St. Mary's.

Responding to the question raised by Councilman Warner at the July 28 meeting regarding ownership of the triangular plot near the old BIA site, City Manager Hohman referred Council to a document confirming title is held by BNC.

Regarding the visit and status report from the Corps of Engineers, Council requested that a mid-day meeting be scheduled for the week of August 17, if possible.

Regarding the request for reinstatement of the staff attorney position, Council directed that this item be placed on the August 25, 1992, agenda for discussion. In response to a request from Councilman Wintersteen for a

breakdown in costs by comparing the City's current arrangement with the City Attorney with the employment of a staff attorney, City Manager Hohman advised Council that costs have decreased from a high of \$150,000 of three years ago to this year's budget appropriation of \$80,000. City Manager Hohman further indicated that he believed it was possible to fund the staff attorney position from the non-personnel \$80,000 appropriated for legal services.

In response to a question from Acting Mayor Warner regarding the Bethel Group Home project, City Manager Hohman stated that City's involvement included extending their lease arrangement for the 8,000 square foot property and construction of the access road and the 8,000 square foot pad.

Regarding the Pacifica Institute student volunteers, Councilman Wintersteen suggested that the City send a thank you letter to Pacifica.

PEOPLE TO BE HEARD

Dominic Malaj presented a letter to Council regarding Council's recommendation to revise the Vehicle for Hire Ordinance concerning revocation of chauffeur's permit when charged with a felony and the fact that to date the ordinance had not been revised. Mr. Malaj's letter also addressed other concerns. Councilman Vanasse was asked to read the letter aloud to the public.

OLD BUSINESS:

Item A: Public
Hearing: Amend.
#12 to Ord. #85

**PUBLIC HEARING: AMENDMENT #12 TO ORDINANCE
#85 WATER, SEWER, AND GARBAGE, RUBBISH AND
WASTE MATERIAL - DEPOSITS**

Acting Mayor Warner explained the purpose of Amendment #12 to Ordinance #85 was to adjust the deposit requirements for utility services by returning deposits to customers after a year of good credit history with the City. The meeting was then opened for public hearing. Finance Director, Larry Elam, requested Council establish an effective date of October 1, 1992, if the amendment is approved. This would give the Finance

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Department approximately 45 days to determine refunds on deposits and credit customer accounts. There being no further comments from the public, Acting Mayor Warner closed the public hearing.

motion

M/M by Vanasse, 2nd by Wintersteen to approve Amendment #12 to Ordinance #85 with an effective date of October 1, 1992. Poll vote. Motion carried unanimously.

Council broke at 8:15 PM for a short recess. At 8:35 PM, Acting Mayor Warner called the meeting back to order.

NEW BUSINESS:

**Item A: Amend.
#202--Personnel
Rules & Regs.**

**INTRODUCTION OF AMENDMENT #3 TO ORDINANCE
#202--PERSONNEL RULES & REGULATIONS**

Acting Mayor Warner introduced Amendment #3 to Ordinance #202 by explaining that the effect of the amendment was to clarify in the Personnel Rules & Regulations that employees must have completed probation to be paid for accrued leave upon termination.

motion

M/M by Vanasse, 2nd by Wallace to introduce Amendment #3 to Ordinance #202 for public hearing to be held August 25, 1992. Voice vote. Motion carried unanimously.

**Item B: Ord. #209
Port & Harbor**

**INTRODUCTION OF ORDINANCE #209--ESTABLISHING
A NEW TITLE 14, ENTITLED CITY OF BETHEL PORT
ORDINANCE**

Acting Mayor Warner referred Council to a letter from City Attorney, Brooks Chandler, with the accompanying new Title 14 reviewed by Mr. Chandler.

motion

M/M by Wintersteen, 2nd by Vanasse to introduce Ordinance #209 Establishing A New Title 14 for public hearing to be held August 25, 1992. Voice vote. Motion carried unanimously.

**Item C: Ord. #210
Land Disposal**

**INTRODUCTION OF ORDINANCE #210--LAND DISPOSAL
SALE--OLD CUTTING EDGE BUILDING**

motion

M/M by Vanasse, 2nd by Wintersteen to

introduce Ordinance #210, Land Disposal/Sale of the old Cutting Edge Building for public hearing to be held September 8, 1992. Voice vote. Motion carried unanimously.

**Item D: Ord. #211
Land Disposal**

INTRODUCTION OF ORDINANCE #211--LAND DISPOSAL SALE--YUGTARVIK REGIONAL MUSEUM

motion

M/M by Wintersteen, 2nd by Wallace to introduce Ordinance #211, Land Disposal/Sale of the Yugtarvik Regional Museum for public hearing to be held September 8, 1992. Voice vote. Motion carried unanimously.

PEOPLE TO BE HEARD

Acting Mayor Warner, as required by resolution, again opened the meeting to the public for discussion of items not listed on the agenda. There being no comments from the audience, Mr. Warner closed the public hearing.

**Item E: Ord. #212
Land Disposal**

INTRODUCTION OF ORDINANCE #212--LAND DISPOSAL SALE--OLD CITY OFFICE BUILDING

motion

M/M by Wallace, 2nd by Vanasse to introduce Ordinance #212, Land Disposal/Sale of the old City Office Building for public hearing to be held September 8, 1992. Voice vote. Motion carried unanimously.

**Item F: Ord. #213
Land Use Permit**

INTRODUCTION OF ORDINANCE #213--LAND USE PERMIT--BETHEL GROUP HOME

motion

M/M by Wallace, 2nd by Vanasse to introduce Ordinance #213, Land Use Permit to the Bethel Group Home for public hearing to be held September 8, 1992, contingent upon receiving a recommendation from the Planning Commission. Voice vote. Motion carried unanimously.

**Item G: City
Manager's Written
Evaluation**

CITY MANAGER'S WRITTEN EVALUATION

Acting Mayor Warner opened this portion of the meeting by explaining that in accordance with the contract between the City Manager and the City, a six-month written performance review of the City Manager was to be conducted. The City Manager requested that

the evaluation be conducted in open session. Prepared evaluations of City Manager Hohman were presented orally by Councilmen Wintersteen, Wallace, and Vanasse. Acting Mayor Warner presented both his evaluation and that of Mayor Feaster. (Copies of the evaluations are attached as part of these official minutes). Evaluations were then given to the City Clerk to be held for the Mayor's review and summary. The summary and evaluations will be placed in the City Manager's personnel file.

Before giving his evaluation, Acting Mayor Warner asked the City Manager if he was currently on City payroll. City Manager Hohman indicated he had not been paid since June 30, 1992, because he had not submitted a time sheet. Mr. Warner then referred to the contract which stated he should be paid bi-weekly. Mr. Hohman responded that he had sought a legal opinion regarding his ability to draw pension benefits and also serve as City Manager. In addition, Mr. Hohman stated that he anticipated receiving a response from the the State of Alaska, Division of Retirement and Benefits no later than August 26, 1992. Mr. Warner pointed out again that he was operating under contract and should be paid. In response, Mr. Hohman indicated he would comply with Council's wishes and turn in a time sheet the following day.

Council next discussed the matter of retaining Mr. Hohman for an additional term as City Manager as specified in Item 10 of the contract. The four council members present at the meeting agreed that the decision should be postponed to the August 25, 1992, regular Council meeting pending a full assembly of the Council.

motion

M/M by Wintersteen, 2nd by Wallace to extend the date for notification to retain Mr. Hohman as City Manager as noted in Item 10 of the contract between the City and City Manager Hohman to the next regular Council meeting of August 25, 1992. Poll vote. Motion carried unanimously.

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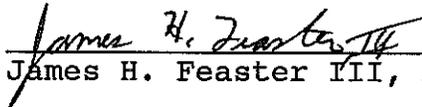
Prior to the vote, City Manager Hohman stated that he agreed to the extension of time to receive notification to August 25, 1992.

Following presentation of the evaluations and the vote, City Manager Hohman read a letter stating his position on the process of extension of the contract. (A copy of that letter is attached as part of these official minutes).

motion

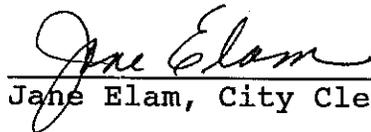
M/M by Vanasse, 2nd by Wallace to adjourn the meeting at 9:35 PM. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 25th DAY OF August, 1992.



James H. Feaster III, Mayor

ATTEST:



Jane Elam, City Clerk