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CITY COUNCIL MINUTES  
MAY 25, 1993

- CALL TO ORDER** Mayor Feaster called the regular Council meeting of May 25, 1993 to order at 7:30 PM.
- ROLL CALL** Present: Feaster, Jones, Metcalfe, Trantham, Vanasse, Warner, Wintersteen
- APPROVAL/MINUTES** M/M by Wintersteen, 2nd by Trantham to approve the minutes of the May 8, 1993, regular Council meeting as amended by correcting the first motion on page 8 to indicate the motion carried with a vote of 6-yes; 1-no (Warner). Voice vote. Motion carried unanimously.
- APPROVAL/AGENDA AND CONSENT AGENDA** Mayor Feaster requested removal of Item H, New Business (Award of Bid for Police Vehicles) from the Consent Agenda.
- M/M by Jones, 2nd by Warner to approve Items E, F and G on the Consent Agenda. Voice vote. Motion carried unanimously.
- Items approved by consent follow:
- E) Introduction of Ordinance #93-17: An Ordinance Amending Title 4, Chapter 4.16.020, Paragraph B, by Adding a New Item #18 entitled Sales for Resale Beyond City Boundaries.
  - F) Introduction of Ordinance #93-18: An Ordinance Establishing the FY 94 Budget.
  - G) Resolution #93-18: A Resolution Authorizing the Donation of Water and Portable Toilets to the YKHC Summer Swim/Water Safety Program.
- motion** M/M by Warner, 2nd by Jones to approve the regular agenda as presented. Voice vote. Motion carried unanimously.
- MAYOR'S REPORT** Mayor Feaster referred Council to his written report. Mayor Feaster also reminded people about the Green Up, Clean Up campaign scheduled for May 24 through May 29.
- To fill an existing vacancy on the Port Commission, Mayor Feaster recommended the

appointment of Norman Silta to the Commission.

**motion**

M/M by Vanasse, 2nd by Warner to ratify Mayor Feaster's appointment of Norman Silta to serve on the Port Commission for the term ending December 1994.

**MANAGER'S REPORT**

City Manager Hunter reviewed his written Manager's report with Council on the following items:

- City Administration and the City Council are in the process of setting goals for the City Manager for the coming budget year which will help provide better delivery of City services.
- The shooting incident that occurred on May 17, 1993.
- The oil spill at the BIA site was downgraded from an emergency situation to a non-emergency containment, control and clean-up.
- 200 fifth and sixth grade students from Kilbuck Elementary received certificates of completion from the Drug Abuse Resistance Education (D.A.R.E.) program graduates.
- Update on the City Talk program.

Upon recommendation from City Manager Hunter regarding the issuance of FEMA/NFIP Elevation Certificates by the City, Council took the following action:

**motion**

M/M by Warner, 2nd by Trantham that the City not perform land surveys for flood plain elevations. Voice vote. Motion carried unanimously.

City Administration was directed to refer land owners to private surveying firms for this service.

City Manager Hunter requested Council approval to activate his participation in the utility benefit provided City employees.

**motion**

M/M by Vanasse, 2nd by Metcalfe to approve activation of the utility benefit for the City Manager. Poll vote. Motion carried. 4-yes; 3-no (Feaster, Jones, Warner).

It was pointed out that Council discussed the utility benefit for the City Manager on two occasions during the negotiation process and the provision of this benefit was deleted from the contract. Following some discussion, Council directed the City Clerk to prepare an amendment to the contract to include the provision of the utility benefit and bring the amended contract back to Council for approval.

Council next addressed the issue of allowing the payment of relocation expenses for the Public Works Director. City Manager Hunter stated that he had discussed the situation with former Interim City Manager Nancy Gross. Based on information Ms. Gross was provided by personnel staff, she offered an allowance of up to \$5,000 for relocation expenses to the Public Works Director. Because of the transition in city management, the offer did not go to Council for approval. Councilman Trantham pointed out that the old personnel rules allow for moving expenses for department heads not to exceed \$3,000; however, under the new rules, Section 3.163, moving expenses are allowed only as established by the City Council and the City Manager. Councilman Trantham recommended that at some time in the future, Council should amend the current rule to include a cap for relocation expenses. Council requested additional information concerning the offer that was made and requested that City Manager Hunter obtain written documentation from Ms. Gross on the matter prior to making a decision.

**motion**

M/M by Warner, 2nd by Trantham to table the matter of allowing relocation expenses to the June 8, 1993, Council meeting pending receipt of information from former Interim City Manager Gross concerning the agreement. Voice vote. Motion carried unanimously.

Councilman Jones informed Council that he would not be in attendance for the next three meetings and wanted to go on record that he felt the City was bound to the agreement that Ms. Gross made with regard to an allowance of relocation expenses.

REPORT OF STANDING  
COMMITTEES

Councilman Jones referred to the minutes of the Finance Committee meeting which was held May 21, 1993. Mr. Jones announced that Warren Loschky had stepped down as Chairman of the Committee, and Eric Shrum was elected to replace Mr. Loschky.

Councilman Wintersteen reported on the following from the Port Commission meeting: 1) Buster Richardson was elected Vice Chairman; 2) City Manager Hunter suggested that the port facility could be used as a disaster staging area to simulate a possible catastrophe or emergency situation which might occur in Bethel (e.g. oil spill or capsized barge). An ad hoc committee to examine the feasibility of this proposal was established; and 3) Arrived at a possible solution for getting access to the seawall through the gate installed by BNC; a letter to BNC from the Port Commission regarding this issue being drafted.

Councilman Metcalfe referred Council to the minutes of the May 13, 1993, Planning Commission meeting. The following recommendations were made:

1) Concerning J.B. Crow's claim to Lot 4, Block 8, USS 3790 (the report on that issue was prepared and attached to the Planning Commission minutes): That the City investigate BLM's records concerning the Townsite Trustee deed to Lot 4, Block 8, USS 3790.

2) Cemetery: That Administration and Public Works investigate the feasibility of adding fill along the southern boundary of the cemetery to increase the area for burials, and to map out the space available for graves and to work on a map of existing graves.

3) Lease of Lot 4, Block 8, USS 3790: To proceed with the lease of Lot 4 to Golden Age Fisheries for one season/one year with the proceeds from the lease to be held in escrow pending the resolution of ownership.

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4) That Council approve Ordinances #93-12 and #93-13 to lease office spaces A & B at Senior Center to S&J Associates with the negotiation of the terms left to Council.

Councilman Vanasse reported that the Public Safety Committee was scheduled to meet June 2, 1993, 12:00 Noon, Police Station.

Councilman Warner reported that the Public Works Department met on May 18, the same evening Council held a budget work session. Because minutes from the meeting were not available, Mr. Warner said he could not provide a report on the activities of the meeting.

Councilman Trantham reported that the next meeting of the Youth Services Committee was scheduled for June 21, 1993.

Mr. Trantham also reported on the meeting of the Transportation Commission held on May 19. A recommendation was made to the Council to amend the rates charged by taxi cabs as set forth in the vehicle for hire ordinance. A revision of the ordinance will be drafted and presented for introduction at the June 8 Council meeting. The Commission also addressed the proposal to regulate fast food vehicles. After review of the Vehicle for Hire Ordinance, the Commission determined that the ordinance does not address regulation of fast food delivery vehicles. Furthermore, if the ordinance were amended in an effort to regulate fast food vehicles, the ordinance would have to include regulation of all commercial vehicles.

Mayor Feaster reported that the Solid Waste Committee met May 21 to prepare for the upcoming Green Up, Clean Up Campaign.

**PEOPLE TO BE HEARD**

Mayor Feaster read a letter prepared by Alaska Legal Services for Oscar Kilbuck. The contents of the letter are as follows:

"To Whom It May Concern: Mr. Oscar Kilbuck has told this office that there is a boat on his land that he does not want on his land.

Mr. Kilbuck would like your assistance in removing from his land any boats that he does not own. The surveys that Mr. Kilbuck has should help you identify which land belongs to Mr. Kilbuck." Signed Jim Davis, Supervising Attorney.

Mayor Feaster advised that he, City Manager Hunter and Mr. Kilbuck had spoken briefly at the Council meeting about the matter, and arrangements had been made for Mr. Kilbuck to meet with Mr. Hunter the following morning to try to resolve the problem. Councilman Wintersteen stated that he would like to see the Port Director involved in the discussion as similar situations have been brought to the Port Commission.

Wally Richardson addressed two items: First, several City employees had alleged that the Personnel Rules and Regulations were not being observed by City Administration and that the City Manager planned to discard them. Ms. Richardson further stated that she disagreed with that comment, if in fact it was made, because the Council had worked long and hard on developing the personnel rules. Ms. Richardson further stated that if the rules required changes, those changes should go to the City employees for their comments before changes were made. Second, she was disturbed because she heard that Mayor Feaster had allegedly made derogatory comments during an Executive Session about native people and asked the Mayor to respond publicly to her statement. Mayor Feaster stated that he could not recount Executive Session material because it was not supposed to be discussed in public.

Jim Wykoff asked if the Council could put pressure on the Department of Transportation to repair the dips on the highway heading toward the airport. Mayor Feaster pointed out that representatives from DOT were in the audience and scheduled on the agenda. The matter of the airport road could be addressed at that time.

Antone Anvil requested the City construct a bike trail outside of the boundary of the

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highway because of the danger that exists to people riding bikes on the highway. NOTE: During the DOT presentation concerning Ridgecrest Drive later in the meeting, DOT personnel addressed the problems associated with constructing bike trails. Suggestions for obtaining funding through the Intermodal Surface Transportation Act were offered.

Mr. Anvil also thanked Council for supporting the resolution to establish a nursing home in Bethel for seniors in the villages and the Bethel area.

Bruce Perry reiterated Mr. Anvil's concern about bikes on the highways and pointed out that Anchorage has 176 miles of bike trails which are heavily utilized.

In response, Tom Warner stated that monies are available from the federal government through the Intermodal Surface Transportation grant program. One reason that Anchorage has a large bike trail system is they received a half a million dollars this past year in the capital budget to build and repair trails.

**Break**

Council broke at 8:25 PM for a short recess. At 8:35 PM, Mayor Feaster called the meeting back to order.

**PEOPLE TO BE HEARD**

Mayor Feaster reopened the People to Be Heard section to comply with Resolution #706.

Shirley Libby expressed her concern about the congestion that occurs on the road outside the Log Cabin during the 4th of July celebration. She asked if City Administration could implement some kind of traffic control either by blocking off the streets or by establishing a one-way flow of traffic.

**OLD BUSINESS:  
Item A: Ord.  
#93-09**

**PUBLIC HEARING: ORDINANCE #93-09: DISPOSAL/  
LEASE--LOT 4, BLOCK 8, USS 3790**

City Manager Hunter explained that the public hearing had been extended from the May 11, 1993, Council meeting for the purpose of establishing an amount to assess for lease of

the property. Based on the estimated appraised value of the property, it was recommended to assess an annual rent of \$4,000. Mayor Feaster opened the public hearing.

J.B. Crow provided a handout to Council which consisted of the two easements that he gave to the City at the time of construction of the present seawall and an Attachment. The attachment stated that Mr. Crow could continue to tie up his processing barge in the location it was at that time. The State placed a flat piece of steel on top of the piling to accommodate the ramps. Mr. Crow further stated that his barge was currently tied up to that location and if any effort by anyone was made to move the barge, he would have to prevent that from happening.

In response to a question from Councilman Warner, Mr. Crow stated that his barge was presently three-fifths on Lot 5 and two-fifths on Lot 4. There being no further comments, Mayor Feaster closed the public hearing.

In response to a question from Councilman Jones, it was stated that there has been no attempt to prevent Mr. Crow from tying up his barge to Lot 5.

**motion**

M/M by Warner, 2nd by Jones to approve Ordinance #93-09, and that the lease agreement with Golden Age Seafoods [Fisheries] be acted upon separately by the Council.

Motion withdrawn.

**motion**

M/M by Warner, 2nd by Jones to approve Amended Ordinance #93-09 effective June 1, 1993, through December 31, 1993, and that the lease agreement between Golden Age Seafoods [Fisheries] be acted upon separately by the City Council, and further, any monies received as a result of the lease to be placed in an escrow pending the resolution of the claim to ownership of Lot 4, Block 8, USS 3790. Poll vote. Motion carried. 6-yes; 1-no (Trantham).

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Item B: Ord.  
#93-12

PUBLIC HEARING: ORDINANCE #93-12....DISPOSAL/  
LEASE OF CITY PROPERTY--OFFICE SPACE AT THE  
SENIOR CENTER DESIGNATED SPACE A; AND

Item C: Ord.  
#93-13

PUBLIC HEARING: ORDINANCE #93-13....DISPOSAL/  
LEASE OF CITY PROPERTY--OFFICE SPACE AT THE  
SENIOR CENTER DESIGNATED SPACE B.

Mayor Feaster explained that Ordinances #93-12 and #93-13 were tabled pending review and a recommendation from the Planning Commission. At the May 13 meeting, the Planning Commission recommended Council approve both ordinances, with the terms of the lease to be determined by the City Council. Mayor Feaster referred Council to the proposed lease between the City of Bethel and S&J Associates.

Councilman Jones, a partner of S&J Associates, declared a conflict of interest and withdrew from discussion and abstained from voting.

Mayor Feaster opened the public hearing. Eric Shrum, speaking on behalf of S&J Associates, stated that he had reviewed the lease document that was presented to the Council and he accepted the terms of the lease. There being no further comments from the public, Mayor Feaster closed the public hearing.

Several council members expressed concern about approving the ordinances to lease office space because the monthly rent to be paid for each office was considerably below the current assessed value of the property. It was pointed out, however, that these were the only bids received for lease of the property. If the property is considered desirable then the opportunity to increase the rental amount exists since the lease is for two years with an option to renew for one two-year period. Some discussion followed.

**motion**

M/M by Vanasse, 2nd by Wintersteen to approve Ordinance #93-12 lease of office space A at the Senior Center at a rate of \$100.00 per month. Poll vote. Motion carried. 5-yes; 1-no (Warner); 1-abstention (Jones).

**motion**

M/M by Vanasse, 2nd by Metcalfe to approve Ordinance #93-13 lease of office space B at the Senior Center at a rate of \$200.00 per month. Poll vote. Motion carried. 5-yes; 1-no (Warner); 1-abstention (Jones).

Consideration of the lease agreement was next addressed. Councilman Warner stated that he was not in favor of paragraph 18 entitled Subleasing, because it did not provide for the Bethel City Council to authorize subleasing of the property.

**motion**

M/M by Wintersteen, 2nd Warner to approve the lease agreement between the City of Bethel and S&J Associates for office space at the Senior Center to include the revision to paragraph 18 to read: "Subleasing. Lessee may not sublease space designated Office Space A and Office Space B without the prior written consent of the Bethel City Council." Poll vote. Motion carried. 6-yes; 1-abstention (Jones).

**Item D: Ord.  
#93-14**

**PUBLIC HEARING: ORDINANCE #93-14...DISPOSAL/  
LEASE OF 3.31 ACRES TO FAA FOR HOUSING  
COMPOUND**

City Manager Hunter explained that the ordinance before the Council authorized lease of 3.31 acres to FAA for the purpose of expanding the current housing complex. The ordinance did not include an appraised value of the property as the FAA would not conduct the appraisal until the City Council indicated its intent to lease the property by approving the ordinance. Once an appraisal was completed, negotiations for a lease amount would commence and the lease agreement submitted to Council for approval. Mayor Feaster opened the public hearing.

Craig Whithee, from the Anchorage Regional Office of the FAA, provided a brief summary of the FAA's plans for expanding the housing complex. The current houses will be replaced with 32 new houses; 22 single family, 3-bedroom houses and 10 2-bedroom townhouses. They are in the design stage, with plans to begin construction in December 1994. The

addition of the 3.31 acres requested would greatly enhance the existing complex. Congress has approved the project and the funds have been appropriated to support the construction.

Councilman Metcalfe, representing the Planning Commission, indicated that the request had been before the Commission with the subsequent recommendation that the City enter into negotiations for disposal of the land.

There being no further comments from the public, Mayor Feaster closed the public hearing.

**motion**

M/M by Trantham, 2nd by Jones to approve Ordinance #93-14 effective May 25, 1993, and authorized the City Manager to enter into negotiations of a lease agreement between the City of Bethel and the FAA. Poll vote. Motion carried unanimously.

**Item E: Ord.  
#93-15**

**PUBLIC HEARING: ORDINANCE #93-15...REPEAL OF ORDINANCES #204 AND #205 AUTHORIZING A LEASE BETWEEN PACIFICA INSTITUTE AND THE CITY OF BETHEL FOR THE BUS BARN AND THE BOJANGLES BUILDINGS.**

Mayor Feaster stated that there was a request from the attorney representing Pacifica Institute to postpone the public hearing to June 8, 1993. The attorney indicated that he was unable to attend the May 25th meeting to make a presentation to the Council on behalf of Pacifica. Mayor Feaster opened the public hearing. There being no comments from the public, Mayor Feaster closed the hearing.

Discussion ensued. Councilmen Wintersteen and Metcalfe spoke in opposition to taking action on the ordinance until they had an opportunity to hear the presentation from Pacifica's attorney. Councilman Vanasse spoke in support of passing the ordinance as he felt it was necessary for the City to regain possession of the buildings in order to determine the economic feasibility of bringing the buildings up to the standards required for occupancy.

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**motion** M/M by Metcalfe, 2nd by Wintersteen to table Ordinance #93-15 to June 8. Poll vote. Motion failed. 3-yes; 4-no (Feaster, Jones, Vanasse, Warner).

**main motion** M/M by Jones, 2nd by Vanasse to approve Ordinance #93-15 repealing Ordinances #204 and #205 effective May 15, 1993.

Councilman Metcalfe questioned the correctness of paragraph three of Ordinance #93-15 by stating that it was his understanding that the fire code violations and safety code violations had been corrected or would be corrected under the plan submitted by Pacifica's architect.

**motion** M/M by Wintersteen, 2nd by Metcalfe to amend the main motion by deleting paragraph three to Ordinance #93-15. Poll vote. Motion failed. 3-yes; 4-no (Feaster, Jones, Vanasse, Warner).

**vote on main motion** Poll vote. Main motion carried. 4-yes; 3-no (Metcalfe, Trantham, Wintersteen).

For future budgetary purposes, Councilman Vanasse recommended that the City Manager, the Public Works Director and representatives from Pacifica Institute get together and review what repairs to the buildings are needed in order to prepare them for occupancy.

Council broke at 9:30 PM for a short recess. At 9:40 PM, Mayor Feaster called the meeting back to order.

**NEW BUSINESS:**

**Item A:**

**PRESENTATION BY DEPARTMENT OF TRANSPORTATION  
ON THE RECONSTRUCTION OF RIDGECREST DRIVE**

City Manager introduced the representatives from the Alaska Department of Transportation who are working on the engineering plan for the reconstruction of Ridgecrest Drive.

Kim Rice, Project Manager for the Project, chaired the hour-long presentation. Draft documentation which included maps indicating three alternatives for reconstructing

Ridgecrest Drive and forms requesting public comments were distributed. A brief summary of the presentation provided by ADOT is attached as part of these official minutes. As the time for construction of the project approaches, ADOT will provide the City Council with a draft design study report for Council review. ADOT then requests a resolution from City Council that will indicate the City's support for the project and the preferred road design.

**motion** M/M by Warner, 2nd by Jones to continue meeting past 10:00 PM. Voice vote. Motion carried. 6-yes; 1-no (Wintersteen).

**Item B: REQUEST FROM BASEBALL ASSOCIATION TO SELL FENCE ADVERTISING LOCATED AROUND THE BALL DIAMOND**

The request from the baseball association to sell advertising was not provided nor was a representative from the association present at the Council meeting to address the request.

**motion** M/M by Wintersteen, 2nd by Warner to table the matter of selling advertising by the baseball association. Voice vote. Motion carried unanimously.

**Item C: Isan Enterprises SALES TAX ISSUE REGARDING ISAN ENTERPRISES**

Lee Hajdari appealed to the Council for forgiveness of penalty and interest assessed on a past sales tax lien against Isan Enterprises. Finance Director, Larry Elam, provided a history of sales tax matters with Isan Enterprises but stated that he did not know the details of the promissory note agreement that had been drawn up with the Hajdari brothers and the City's attorney. Council requested Mr. Elam obtain a copy of the agreement from the City Attorney for its review.

**motion** M/M by Metcalfe, 2nd by Jones to table the matter pending receipt of the promissory note agreement from the City Attorney's office. Poll vote. Motion carried. 4-yes; 3-no (Feaster, Vanasse, Warner).

Item D: MOA... MEMORANDUM OF AGREEMENT: CITY OF BETHEL AND  
Recycling Project THE RECYCLING PROJECT

City Manager Hunter explained that he had met with Brian Glasheen several times to discuss the recycling project and had reached an agreement whereby the City of Bethel would provide use of the Quonset Hut (metal building located behind the Braund Building) for the recycling operation. The Memorandum of Agreement was submitted for discussion. Responding to the agreement, Councilman Warner questioned where the City planned to store sand during the winter if it relinquished the Quonset Hut for recycling. Discussion regarding using the building for recycling and storage of sand was held.

**motion**

M/M by Wintersteen, 2nd by Metcalfe to send the Memorandum of Agreement back to the City Manager and the appropriate individuals to renegotiate a shared use plan for the purpose of finalizing the Memorandum of Agreement between the City of Bethel and the Recycling Project. Poll vote. Motion carried. 6-yes; 1-no (Jones).

Item H: Award of  
Bid for Police  
Vehicles

**AWARD OF BID FOR POLICE VEHICLES**

City Manager Hunter reported that the City had advertised an Invitation for Bids for three suburban-type vehicles for the Police Department. However, by the closing date for receipt of bids, the City had not received any proposals because the dealerships did not have cost estimates from the manufacturer for the 1994 vehicles.

**motion**

M/M by Trantham, 2nd by Warner to go out for bid combining the three suburban-type vehicles for the Police Department with a Bronco for City Administration and a Ford pick-up for Public Works Department, the award of a bid for the latter two vehicles contingent upon Council approval of the FY 94 budget ordinance. Voice vote. Motion carried. 6-yes; 1-no (Wintersteen).

**motion**

M/M by Warner, 2nd by Trantham to go into Executive Session for the purpose of

discussing: 1) Scott vs. City of Bethel; 2) Peters vs. City of Bethel; and City of Bethel vs. APEA. Voice vote. Motion carried unanimously.

**motion** M/M by Warner, 2nd by Jones to come out of Executive Session. Voice vote. Motion carried unanimously.

**motion** M/M by Wintersteen, 2nd by Warner to follow the attorney's advice in the Scott vs. City of Bethel case. Motion carried unanimously.

**COUNCIL MEMBER  
COMMENTS**

Councilman Jones said he had receive complaints from Mr. Shantz who lives in Blueberry Subdivision about honeybuckets being dumped on the road and a suggestion that the City investigate who in that area uses honeybuckets and try to enforce the ordinance against dumping honeybuckets.

**motion** M/M by Jones, 2nd by Vanasse to direct Administration to implement a 20% price increase for all services provided by the laundromat.

The motion was withdrawn because increases in laundromat services had been included in the FY 94 budget which was scheduled for public hearing June 8, 1993. It was the consensus of Council, however, that the subject of the proposed price increases be placed on the June 8 agenda to allow laundromat users an opportunity to address the matter with Council.

Councilman Trantham advised Council that he had also heard that an Executive Session had been taped. Councilmen Warner, Vanasse and Metcalfe each expressed their feelings about the alleged taping incident.

Mr. Warner had questions about the following items: 1) In what account was the Captain Atkins payment credited? In response, Finance Director Larry Elam said he assumed it was unrestricted money and would go in the general fund, but he was waiting to receive confirmation on that from the auditors; 2)

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Activities at the sewer lagoon. In response, City Manager Hunter said he would have more information about the work schedule later in the week; in addition, there were only a couple of people working at the lagoon.

**motion**

M/M by Warner, 2nd by Jones to adjourn the meeting. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 8<sup>th</sup> DAY OF June, 1993.

James H. Feaster III  
James H. Feaster III, Mayor

**ATTEST:**

Jane Elam  
Jane Elam, City Clerk