

PAGE 1
CITY COUNCIL MINUTES
NOVEMBER 24, 1992

CALL TO ORDER Mayor Feaster called the regular Council meeting of November 24, 1992, to order at 7:30 PM.

ROLL CALL Present: Feaster, Jones, Metcalfe, Trantham, Warner, Wintersteen
Absent: Vanasse

APPROVAL/MINUTES M/M by Wintersteen, 2nd by Jones to amend the minutes of the November 10, 1992, regular Council meeting by adding "M/M by Wintersteen, 2nd by Jones to approve Resolution #721 as presented" to page 9, paragraph 9. Voice vote. Motion carried unanimously.

APPROVAL/AGENDA M/M by Warner, 2nd by Jones to amend the agenda by adding under New Business, Item D-- Review of RFP for Sewer Lagoon Professional Management and Inspection Services and the IFB for Construction Equipment. Voice vote. Motion carried unanimously.

MAYOR'S REPORT Mayor Feaster referred Council to his written report and addressed the following items not included in the report:

--The need to schedule a work session to review the draft FY 92 audit report from the audit firm of Mikunda Cottrell.

Council members agreed to schedule a work session with the auditors for Monday, December 14, 1992, 7:30 PM, City Conference Room pending confirmation of that date by Mikunda Cottrell.

--Letter from ONC requesting assistance from the City and the Planning Commission to review the request to construct and maintain a road to Lot 6, block 10 (Marie Mezak). It was noted that this request must go before the Planning Commission for a decision.

--Letter from the AIDS Project Nurse requesting the support of the City of Bethel by proclaiming December 1, 1992, as World AIDS Day. The Mayor read the Proclamation.

motion M/M by Trantham, 2nd by Warner to approve the Proclamation decreeing December 1, 1992, as World AIDS Day. Voice vote. Motion carried unanimously.

Mayor Feaster introduced Acting City Manager Nancy Gross.

MANAGER'S REPORT

City Manager Nancy Gross referred Council to her written Manager's report and addressed the following items:

--Recommendation to designate Police Chief Chris Liu to serve as Acting City Manager in Ms. Gross's absence for the periods November 25 to 28, December 24 to 27 and December 30 to January 2. In addition, the recommendation to designate Jerry Korthuis as Acting City Manager for the period December 9 through December 10. It was pointed out by Councilman Warner that in practice, the City Manager has the authority to appoint an Acting City Manager in the manager's absence.

--Minutes from Department Head meetings of November 12 and 18.

--Memorandum regarding the staffing configuration at the Police Department.

Discussion followed regarding allowing the Police Department to operate with three Police Sergeants instead of two Sergeants and a Police Lieutenant as prescribed in the budget plan and the personnel matrix.

motion

M/M by Warner, 2nd by Trantham that the direction to Administration from Council is that the budget plan constitutes the policy for personnel positions. The budget plan can be deviated from by the City Manager in extraordinary circumstances or emergencies, otherwise, a change in the budget with regard to personnel must be brought to the Council for consideration. Voice vote. Motion carried unanimously.

In response to a request for an update on the progress at the sewer lagoon, Jerry Korthuis, Public Works, reported that they are moving about 5,000 yards of overburden per 10 hour day. In addition, Mr. Korthuis advised Council of the type of equipment that has been leased to carry out the project.

**COUNCIL MEMBER
COMMENTS**

Councilmen Jones and Metcalfe commended the Public Works road crew on plowing the roads during the last snowfall. A request to try to keep the accumulation of berms in front of people's driveways to a minimum was made.

Councilman Warner thanked Ms. Gross for joining the City as its Acting City Manager.

REPORTS OF STANDING
COMMITTEES

Councilman Jones reported that the Finance Committee had met on November 17, 1992, and referred Council to the minutes of that meeting. Items addressed by the Committee included: 1) Revising Amendment #2 to Ordinance #163 (the Purchasing Ordinance); 2) use tax on alcohol; 3) operation of the laundromat.

Councilman Wintersteen reported that the next meeting of the Port Commission had been rescheduled to December 21, 1992, 7:30 PM, at the Port.

Councilman Metcalfe reported that the Planning Commission did not meet in November, but a meeting for December 10, 1992, was scheduled.

Councilman Trantham reported that generally the Transportation Commission only meets as business requires; however, there has been discussion among Commission members to schedule meetings on a regular basis. Mr. Trantham also reported that there is one vacancy on the Commission. Regarding the Youth Committee, Mr. Trantham stated that it is still in the organizational state and plans to schedule regular meetings are being made.

Councilman Warner reported that the Public Works Committee meeting scheduled for November 17 was canceled due to lack of a quorum. Mr. Warner further reported that there are two vacancies on the Committee.

Mayor Feaster reported that the Solid Waste Committee met on November 20 and was scheduled to meet December 4. The topic of discussion centered on the Can Man project and a request for a temporary site to house the recycling operation.

Administration was requested to have KYUK air public service announcements about the committee/commission vacancies.

PEOPLE TO BE HEARD

James MacPherson reiterated the request to Public Works to try and keep the berms from building up in front of people's driveways.

OLD BUSINESS:

Item A: Amend #2 PUBLIC HEARING: AMENDMENT #2 TO ORDINANCE #9--
to Ord. #9 Curfew DESIGNATED CURFEW HOURS

Police Chief Chris Liu advised Council of a 20% increase in juvenile arrests with the 18 and under age group in Bethel. Because of this increase, the Public Safety Committee had recommended that the City curfew laws (BMC 9.20) be amended to raise the age from 16 to 18. Mayor Feaster called for public testimony.

Nick Pollock and John Hastie spoke against raising the age limit on curfew, stating that a majority of the youth were being punished for the behavior of a few. The Mayor called for further public testimony; there being none, the public hearing was closed.

Discussion regarding raising the age limit on curfew followed.

motion

M/M Warner, 2nd by Jones to adopt Amendment #2 to Ordinance #9 effective December 1, 1992.

motion

M/M by Wintersteen, 2nd by Metcalfe to amend the main motion to include the wording "from the first day of school to the last day of school between the hours of 10:00 PM to 5:00 AM, Monday through Friday". Voice vote. Motion carried. 4-yes; 2-no (Trantham, Warner).

Roll call vote on the main motion as amended. Motion failed. 3-yes, 3-no. (Metcalfe, Trantham, Warner).

motion

M/M by Trantham, 2nd by Jones to send Chapter 9.20 of the Bethel Municipal Code back to the Public Safety Committee for further review. Voice vote. Motion carried. 4-yes; 2-no (Metcalfe, Warner).

Council broke at 8:40 PM for a short recess. At 8:50 PM, Mayor Feaster called the meeting back to order.

Item B: Amend #3
to Ord. #203

**AMENDMENT #3 TO ORDINANCE #203--FY 93 BUDGET
(PUBLIC WORKS)**

Finance Director, Larry Elam, gave a brief introduction on the reason for amending the

budget. In addition, he advised Council that the figures had changed and enumerated those changes. Mayor Feaster called for public testimony; there being none, public hearing was closed.

Because discussion and possible action on the next agenda item, Item C--Pacifica Lease, could affect how Council would respond to the budget amendment, it was recommended to address Item C before discussing Item B.

motion

M/M by Jones, 2nd by Warner to table Council discussion on Item B until after the discussion of Item C--Pacifica Lease. Voice vote. Motion carried unanimously.

**Item C: Pacifica
Lease**

PACIFICA LEASE

City Manager Nancy Gross advised Council of the problems associated with the lease between Pacifica Institute and the City of Bethel, referring to her written report that addressed the specific problems. (A copy of that report is attached as part of these official minutes). Ms. Gross further stated that she had met with Diane Carpenter of Pacifica since the memo referred to above was written, and that Ms. Carpenter had assured her that the \$10,000 requested for repairs was all that would be required from the City to bring the Bojangles and Bus Barn up to code. Ms. Carpenter's plan was to use volunteer help on some of the repair projects. City Manager Gross stated that she had advised Ms. Carpenter against the use of volunteers for the repair of electrical wiring and plumbing. Fire Chief George Young stated that he had spoken with the State Fire Marshall who reiterated that the buildings could not be occupied or used in any manner until he had reviewed the remodel plans and subsequently approved the buildings for occupancy.

Following a lengthy discussion among council members, the City Manager and Diane Carpenter, it was agreed that Ms. Carpenter would submit the remodel plans to the State Fire Marshall no later than December 1, 1992. Jerry Korthuis and George Young agreed to assist Ms. Carpenter in preparing the plans for the Bus Barn. Further discussion was held regarding lease payments on the two buildings.

PAGE 6
CITY COUNCIL MINUTES
NOVEMBER 24, 1992

motion M/M by Wintersteen, 2nd by Metcalfe that lease payments by Pacifica Institute to the City for the Bus Barn and the Bojangles buildings will be suspended until February 1, 1993. Roll call vote. Motion carried. 4-yes; 2-no (Jones, Warner).

Item B: Amend #3 to Ord. #203 **AMENDMENT #3 TO ORDINANCE #203--FY 93 BUDGET (PUBLIC WORKS)**

motion M/M by Warner, 2nd by Jones to approve Amendment #3 to Ordinance #203 with the amended figures as presented by the Finance Director. Roll call vote. Motion carried unanimously.

motion M/M by Wintersteen for adjournment. Motion died for lack of a second.

motion M/M by Jones, 2nd by Warner to continue meeting past 10:00 PM. Voice vote. Motion carried. 5-yes; 1-no (Wintersteen).

Item D: Amend. #2 to Ord. #163 Purchasing **RECOMMENDATION FROM FINANCE COMMITTEE REGARDING AMENDMENT #2 TO ORDINANCE #163--PURCHASING: PROCUREMENT OF INSURANCE**

Councilman Jones explained the recommendation from the Finance Committee to amend Amendment #2 to Ordinance #163 which requires the City to hire an insurance consultant who will establish a risk package and review renewal of insurance plans.

motion M/M by Wintersteen, 2nd by Jones to take from the table Amendment #2 to Ordinance #163. Voice vote. Motion carried unanimously.

motion M/M by Jones, 2nd by Warner to amend Amendment #2 to Ordinance #163 by replacing Section 4.20.155 Contract for Insurance to read as follows: "The City shall hire a consultant to establish a risk package and review each renewal. The City shall procure insurance coverage through an insurance broker by competitive sealed proposals for up to a three year period. The competitive sealed proposals shall be solicited in accordance with 4.20.100."

Discussion regarding the process for purchasing insurance followed.

motion M/M by Wintersteen, 2nd by Metcalfe to amend the main motion by inserting the words "for 1993" after the word "consultant." Motion was withdrawn as amending an amendment to an amendment cannot be entertained.

Voice vote on the main motion as amended.
Motion carried unanimously.

motion M/M by Wintersteen to include the words "for 1993" after the word "consultant" to Amendment #2 to Ordinance #163 as amended. Motion died for lack of a second.

motion M/M by Jones, 2nd by Warner to approve Amendment #2 to Ordinance #163 as amended. Roll call vote. Motion carried. 4-yes; 2-no (Warner, Wintersteen).

NEW BUSINESS:

**Item A: School
of Excellence**

**SCHOOL OF EXCELLENCE PRESENTATION BY CHAMBER OF
COMMERCE REPRESENTATIVE, GARY KORTHUIS**

Representing the Chamber of Commerce, Gary Korthuis made a proposal to the Council requesting the allocation of extra sand excavated from the sewer lagoon to the School of Excellence should the school be constructed in Bethel. Discussion regarding the proposal followed Mr. Korthuis' presentation. It was suggested that it may be premature for Council to make a decision on what to do with any excess fill material. Mr. Korthuis indicated that the Chamber understood that the City was not in a position at this time to determine how to allocate any excess fill; the Chamber's purpose was to request consideration at the time a decision would be made.

**Item B: Recycling
Site**

**PROPOSAL TO USE BASEMENT OF THE OLD FIRE
STATION AS A TEMPORARY SITE FOR RECYCLING**

The Can Man had made a request for use of the old fire station as a temporary site for the recycling program. The Planning Manager and the Fire Chief had conducted an inspection of the building for the purpose requested. Based on the inspection, it was their opinion that the City not authorize the use of the building for the recycling operation because it did not meet accepted safety standards. A discussion ensued, and it was the consensus of the Council to comply with the recommendations

from the City and not approve the temporary use of the building for the recycling program.

**Item C: Gaming
Permit Appl.**

GAMING PERMIT APPLICATIONS--BCS AND AVCP

motion

M/M by Warner, 2nd by Jones to approve the 1993 Gaming Permit Applications submitted by Bethel Community Service and AVCP. Voice vote. Motion carried. 5-yes; 1-abstention (Metcalf abstained due to a conflict of interest).

**Item D: RFP &
IFB**

**RFP (PROFESSIONAL MANAGEMENT & INSPECTION
SERVICE--SEWER LAGOON) AND IFB (CONSTRUCTION
EQUIPMENT)**

Finance Director, Larry Elam, informed Council that the City had received only one response to the Request for Proposal for engineering construction management services for the wastewater lagoon alteration. The respondent was James M. Montgomery Consulting Engineers, Inc. Copies of the proposal were provided each council member. Council reviewed the proposal.

motion

M/M by Warner, 2nd by Jones to award the RFP to James M. Montgomery Consulting Engineers for engineering construction management services for the sewer lagoon as submitted. Roll call vote. Motion carried. 5-yes; 1-no (Wintersteen).

Councilman Trantham recommended that the award letter to the respondent specify that a daily journal/log of work must be maintained throughout the project. At completion of the project the journal/log must be turned over to the City to become a part of the permanent records on sewer lagoon construction. This is in addition to the "As-Built" documents. Mr. Elam indicated that he would comply with Mr. Trantham's recommendation.

Finance Director, Larry Elam, informed Council that the City had received only one response to the Invitation for Bid for the purchase of construction equipment. The respondent was Construction Machinery, Inc. Copies of the bid and the bid form were provided each council member. Council reviewed the proposal. Mr. Elam pointed out that the bid

was for the same piece of equipment that was currently being leased. An explanation of the financing and terms was provided. Mr. Elam further stated that \$292,000 of the purchase price for the equipment can be charged back to the sewer lagoon project funds. Discussion regarding the purchase of the equipment followed.

Councilman Wintersteen recommended that in the future Council address items of significant expense such as purchases or contracts, earlier in the evening to provide more time for discussion.

motion

M/M by Jones, 2nd by Trantham to award the bid for the purchase of a Hitachi Model EX700 Hydraulic Excavator to Construction Machinery, Inc. Roll call vote. Motion carried. 5-yes; 1-no (Wintersteen).

motion

M/M by Warner, 2nd by Jones to adjourn the meeting at 11:15. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 8th DAY OF December, 1992.

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

ATTEST:

Jane Elam
Jane Elam, City Clerk