
City of Bethel, Alaska

City Council Minutes

May 25, 1999

Regular Meeting

Bethel, Alaska

CALL TO ORDER

The Regular Meeting of the Bethel City Council was held on May 25, 1999, at 7:00 p.m. in the Log Cabin, Bethel, Alaska. Mayor Agnes Phillips called the meeting to order at 7:02 p.m.

ROLL CALL

There were present:

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| Mayor Agnes Phillips | Mike O'Brien |
| Joerene Hout | Karol Pobrislo |
| Dario Notti (9:15 p.m.) | Stanley "Tundy" Rodgers |

comprising a quorum of the Council.

Absent:

Antone Anvil (excused)

Also in attendance were:

Bob Herron, City Manager
Gaye Vaughan, City Clerk

PEOPLE TO BE HEARD

David Trantham, said he would start off positive, but probably end negative. He stated that there has been a problem at the senior center for two years and no one has done anything about it. There is equipment which no one knows how to use or maintain. The ventilation system has not worked for three years. The temperature in the kitchen can be as high as 105-110°. He questioned how much electricity is used for the walk-in freezer and coolers at that temperature. The problem was simple; no one knew how to change the filter on the air system. In five minutes the ventilation system was working. The electric bill should be reduced in the future. The Council has to take the leadership for the City. He said they should consider the costs when formulating the budget. He thanked Bob Herron for calling in a technician from Anchorage to change the filter. He went on to speak about the temperatures in other locations within the senior center. He also thanked Louise Charles, the new director, who is doing a great job and Council Member O'Brien who listened and acted. He noted he had also contacted the Alaska Dept. of Health, OSHA and Dept. of Environment Health. The cost of the phone calls was worth while. A group of senior citizens met to show the community that they are not dead. They worked up a budget proposal, which the SCAB signed off on. Ordinance #99-09 is a result of that effort. Some seniors have worked hard for this community. He asked that people testify pro or con on this ordinance at the public hearing. The seniors are in the process of taking over the senior center on July 1, 2000. They don't like the abuse from the City or the

way the program is run. They want to do it themselves. If any Council member has documentation regarding the alleged abuse of sales tax exemptions, please bring it to the next meeting. He was tired of Council members running their mouths off. The seniors want out from the domination of the city. He noted that two senior ladies had threatened to take "the long walk on the snow" due to the allegations.

Rob Lewis, office manager for Mikunda Cottrell, stated their office has been in Bethel over 15 years, serving the businesses of Bethel. He inquired which firms were listed as #1, #2, #3 and #4 in the memo from Laurie Walters. He would like to see a local firm be awarded the bid as a local firm understands the special needs of Bethel.

Jim Pobrislo, spoke about the curfew ordinance. He was inflamed by ACLU's threat to sue the City over the current law. He felt a community should be free to set its own laws. He was particularly offended by #7 of the draft ordinance. He said this item would allow 14-year olds to go out, have a bonfire and raise a ruckus.

APPROVAL OF MINUTES

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| MOVED BY: | O'Brien | To approve the minutes of May 11, 1999. |
| SECONDED BY: | Hout | |

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| VOTE ON MOTION | Motion carried by unanimous voice vote. |
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APPROVAL OF AGENDA AND CONSENT AGENDA

At the request of the Mayor, the City Clerk read the items listed on the consent agenda:

Resolution #99-09: Inviting Alaska Municipal League Board of Directors and Alaska Conference of Mayors to Hold Their Summer Meeting in Bethel (Council Member O'Brien)

Ordinance #99-09: Amending The Sales Tax Code To Provide An Exemption For Senior Citizens' Rent, Food And Utilities (Council Member Anvil) (Public Hearing set for 6/08/99)

Ordinance #99-10: Establishing A City Of Bethel Budget For Fiscal Year 1999-2000 Beginning July 1,1999 (City Manager Herron) (Public Hearing set for 6/08/99)

City Manager Herron asked that a financial issue be added to the Executive Session.

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| MOVED BY: | Hout | To approve the consent agenda and agenda. |
| SECONDED BY: | Pobrislo | |

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| VOTE ON MOTION | Motion to approve the consent agenda and agenda carried by unanimous consent. |
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MAYOR'S REPORT

Mayor Phillips announced the following:

She thanked the City staff for the flood preparation.

She acknowledged receipt of a letter from the Lt. Governor regarding funding for schools and libraries.

The Mayor noted receipt of a letter from Pat Poland of DCRA regarding revenue sharing and safe communities funding in the amounts of \$179,049 and \$139,811.

Mayor Phillips also noted receipt of a report from Representative Mary Kapsner.

CITY MANAGER'S REPORT

City Manager Herron relayed the following information:

He noted that labor negotiations would continue the following day.

Mr. Herron had traveled to Anchorage to talk with the City's engineers and City Attorney Lee Sharp regarding the Braund Bldg. The contract was signed that day and the notice to proceed will be issued. Collins Construction is chartering a C-130 to bring out their equipment and materials. The project will start on June 1 with completion estimated for May 1, 1999.

The City Manager noted that LuAnn Cutler, City Attorney, was present to discuss the draft curfew ordinance and also for the evaluation of the law firm.

He stated that he would be ordering the dump truck for the Port as previously discussed with Council.

In response to questioning by Council Member Pobrislo, Mr. Herron described the differences between AML/JIA and APEI. He announced his conflict of interest as a board member of APEI and that Finance Director Stuart Robinson would be doing all the work and making the recommendation to Council for the insurance carrier for the City.

STANDING COMMITTEES

Mayor Phillips noted there are vacancies on the Parks and Recreation, Transportation, Port and Public Works Commissions/Committees. She also noted a letter from Jeanne Santacross of the Parks and Recreation Dept. asking for permission to solicit names for various parks within the City. The Mayor had a suggested name for each park and submitted those names to Karol Pobrislo, the Council representative on the Parks & Recreation Committee.

Transportation Commission

Council Member Hout stated the meeting was postponed again.

Parks & Recreation Committee

Council Member Pobrislo stated the last meeting was also postponed. The next meeting would be June 7.

Finance Committee

Mayor Phillips stated the committee had met the previous week. She added that minutes would be in the next Council packet.

Port Committee

Council Member Rodgers stated the Committee had met the previous night. He highlighted the discussion items of that meeting.

Public Works Committee

Council member O'Brien stated the Committee's last meeting had be postponed.

Public Safety Commission

Council Member O'Brien stated the Commission had not met since the last Council meeting. The next meeting would be June 7.

Senior Citizens' Advisory Board

Council Member Anvil was not present to give a report.

Planning Commission

Council Member Notti was not present to give a report.

OLD BUSINESS

***Ordinance #99-08: Amending the Adopted FY 1998-99 Budget
(City Manager Herron)***

Mayor Phillips called for public testimony. There being none, the public hearing was closed.

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| MOVED BY: | Rodgers | To enact Ordinance #99-08. |
| SECONDED BY: | Hout | |

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| VOTE ON MOTION | Motion carried by unanimous vote. |
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| ANVIL Absent | HOUT Yes | NOTTI Absent | O'BRIEN Yes |
| PHILLIPS Yes | RODGERS Yes | SANCHEZ-POBRISLO Yes | 5 YES 0 NO |

***Ordinance #99-06: Amending BMC 2.52, Boards, Commissions and
Committees (Mayor Phillips)***

Mayor Phillips called for public testimony. There being none, the public hearing was closed.

The Mayor noted that a substitute ordinance was received from the attorney. She felt it should be sent to all committees, commissions and boards for review and postponed to the next meeting.

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| MOVED BY: | O'Brien | To postpone Ordinance #99-06 to next meeting. |
| SECONDED BY: | Rodgers | |

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| VOTE ON MOTION | Motion carried by unanimous voice vote. |
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NEW BUSINESS

Contract Award for Professional Auditing Services for FY 99

City Manager Herron stated the City had solicited four auditing services for the current fiscal year. Four responses were received and he recommended awarding the contract to #1, Altman Rogers, which was the low bidder.

Council Member O'Brien questioned the RFP procedure and why the Council did not get a copy of the bid sheet or the evaluations done. He also asked if this had to be taken care of at this meeting.

City Manager Herron stated the award could wait until the next meeting.

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| MOVED BY: | O'Brien | To postpone contract award until June 8 meeting. |
| SECONDED BY: | Hout | |

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| VOTE ON MOTION | Motion carried by unanimous voice vote. |
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Discussion Item – Sales Tax Audit Services

City Manager Herron stated the Finance Dept. would like to have random audits performed on businesses in Bethel. Since the Finance Director was currently out of town, he noted that this item could be postponed to the next meeting.

Mayor Phillips stated this item would be put over to the June 8 meeting.

Discussion Item - Curfew

City Manager Herron stated that City Attorney LuAnn Cutler has prepared a draft ordinance to replace the current law. This was done in response to the letter from ACLU.

Ms. Cutler said that the ACLU letter stated that the City's curfew ordinance was unconstitutional. She added that one of her other municipal clients received the same letter. She noted that the Ninth Circuit has taken issued with curfew ordinances. She felt the proposed ordinance would take care of the constitutional scrutiny. She referred to comments made earlier by Jim Pobrislo about 14-year olds having a bonfire under the First Amendment. She stated that protests, etc., must be done in a way that does not hurt the community. She did not know what the ACLU's intentions were.

Mayor Phillips stated that the general public needs to be protected.

Council Member Pobrislo said the draft was basically the same as the current ordinance except it now says "minor" in place of "under the age of 18." She noted that the City does not have the funds to fight the ACLU on this. She felt that if the ordinance was adopted with #7 included it would open up a new door and she would vote against it based on #7.

Council Member Hout noted that there were some pretty smart 16 and 17-year olds in town. They could tie all the sandpit parties to the First Amendment.

Council Member O'Brien stated the recent change to the curfew, raising the age from 16 to 18 was done for a specific reason. Vandalism has gotten worse over the past few years. The City has statistics and police reports to show when vandalism occurs in this community. He would not vote for this ordinance in its current state either.

Council Member Pobrislo asked what the cost of a trial would be should #7 be deleted.

Ms. Cutler responded that the Council could take it all the way to the Supreme Court. She added that the Ninth Circuit has been very specific about the First Amendment. The Council needs to make policy decisions. It could be a \$50,000 case, unless it did go all the way to the Supreme Court.

Council Member O'Brien asked about the state entering into the issue since statutes give municipalities the right to legislate curfew.

Ms. Cutler felt other Alaskan cities could be amicus. She suggested that Council Member O'Brien take this issue up with Alaska Municipal League.

City Manager Herron questioned what recommendation Ms. Cutler had for the Council, to which she replied that the changes in the ordinance would not be covering to the ACLU, but rather strengthening the ordinance. The current ordinance would be harder to defend in court.

The discussion continued.

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| MOVED BY: | Pobrislo | To draft curfew ordinance and resolution for AML for next agenda. |
| SECONDED BY: | O'Brien | |

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| VOTE ON MOTION | Motion carried by unanimous voice vote. |
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COUNCIL MEMBER COMMENTS

Council Member O'Brien said he was gratified to see a spring where no one tested the ice and went through.

Council Member Rodgers noted that the river is open and a lot of vandalism is going on in fish camps.

Mayor Phillips thanked the City workers for being on alert for flood action. She asked people to slow down their boats in the boat harbor. She also sent her congratulations to the 8th grade graduates.

Council Member Pobrislo wished her daughter, Jolene, a belated happy birthday.

Council Member Hout announced a meeting to be held the following night about public safety. She objected to statements made earlier. She said kids unmercifully tease other kids. The worst behaved kids on the school bus she drives come from hospital housing and Blueberry Subdivision. She felt something needed to be done about how kids treat other kids.

An open discussion ensued between the Council and members of the audience.

City Manager Herron stated his most vivid memory of the school shootings in Bethel was when his son stated that the mother of the student victim not only scolded her own son, but also his friends. Mr. Herron stated that was love and there isn't enough of that anymore.

Council Member O'Brien stated Bethel is a very transient community and a lot of people who come here do not become a part of the community. Parents pass that feeling on to their children.

Mayor Phillips recessed the meeting at 8:48 p.m. for a short break prior to the Executive Session.

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| MOVED BY: | O'Brien | To recess into Executive Session to discuss performance evaluations of the City Attorney and the City Clerk, and to discuss a financial matter. |
| SECONDED BY: | Pobrislo | |

VOTE ON MOTION | Motion carried by unanimous voice vote.

Council Member Notti arrived at the meeting at 9:15 p.m.

Mayor Phillips reconvened the meeting at 9:54 p.m.

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| MOVED BY: | Pobrislo | To increase the salary of the City Clerk in accordance with the employment agreement. |
| SECONDED BY: | Rodgers | |

VOTE ON MOTION | Motion carried by unanimous voice vote.

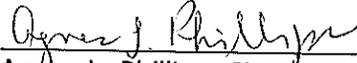
ADJOURNMENT

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| MOVED BY: | Rodgers | To adjourn the meeting. |
| SECONDED BY: | O'Brien | |

VOTE ON MOTION | Motion carried by unanimous voice vote.

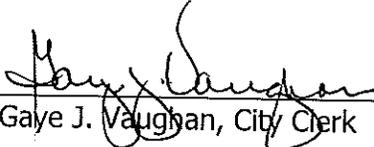
With no further business to come before the Council, the meeting adjourned at 10:00 p.m.

APPROVED THIS 8TH DAY OF JUNE, 1999.



Agnes L. Phillips, City Mayor

ATTEST:



Gaye J. Vaughan, City Clerk