
City of Bethel, Alaska

Council Minutes

August 11, 1998

Regular Meeting

Bethel, Alaska

CALL TO ORDER

The Regular Meeting of the Bethel City Council was held on August 11, 1998, at 6:30 p.m. in the Log Cabin, Bethel, Alaska. Mayor Agnes Phillips called the meeting to order at 6:30 p.m.

ROLL CALL

There were present:

Mayor Agnes Phillips	Mike O'Brien
Antone Anvil	Karol Sanchez-Pobrisio
Carl Berger	Stanley "Tundy" Rodgers
Dario Notti	

comprising a quorum of the Council.

Also in attendance were:

Bob Herron, City Manager
Gaye Vaughan, City Clerk

PEOPLE TO BE HEARD

Ruth "Wally" Richardson, spoke in favor of Ordinance 98-07. She stated that she quit smoking two years ago and she spoke of the terrible smell of tobacco smoke. She had not realized the smell was so bad until she quit. She asked the Council to support the ordinance.

Don Kruse, medical doctor at YKHC, stated that about 1990 the Indian Health Service send a memo out to employees advising that facilities would go smoke free. Then they enforced it. No employees quit. Only one patient made a fuss about it and he was intoxicated, smoking in the bathroom. He also pointed out that there was no loss in production with employees going to "have a smoke" every fifteen minutes.

Cathy Sampson-Kruse, addictions counselor at PATC, spoke about nicotine being one of the most addicting substances known.

Dr. Allen Finklestein, stated secondhand smoke is a known killer. He has been in Bethel for two years and sees many patients with respiratory diseases.

Paula Malloy, said she is a non-smoker, however her presentation was on behalf of a smoker. She asked if other uses of tobacco products were to be banned also.

Gene Peltola, stated this was a community based effort and the ordinance should be passed. Smoking is dangerous; for every nine people who die from smoking, there is one non-smoker who dies from second hand smoke exposure. He noted that this is a unique opportunity for Bethel to be a leader in the state. He added that this is an important ordinance and will lead to a better quality of life for the people of this community.

Dr. Laurel Rich, pediatrician, report on the number of cases she found relating to illnesses and death in children caused by effects of second hand smoke. As a pediatrician, she treats lung and ear infections all day long. She felt it should be illegal to be doing this to children.

Dr. Erin Garza, pediatrician, stated she has lived in Bethel for three years and gave birth to twin girls in December. She and her family are planning to stay in Bethel.

Virginia Waska, with assistance from six other youth members of the Tobacco Alliance Youth Group, stated they had worked hard to inform the community of the problems of second hand smoke and listed the efforts the group has made in this direction. She asked the Council to adopt the ordinance and make a healthier community for their future.

James Pobrislo, read a letter from the U.S. Surgeon General relating to the dangers of second hand smoke.

Caroline Renner, read a letter from Litsa Scott, the daughter of the owner of Dimitri's Restaurant. Ms. Renner stated she did not hear from business owners about what this ordinance would cost them. She related the costs of second hand smoke on employers in reduction of illnesses. She also told of cities where smoking ban ordinances have been passed and the majority of restaurants in those cities have reported an increase in business.

Dick Russell, a fifteen-year Bethel resident, spoke of the proposal he made to the Transportation Commission over a year ago to make all cabs in Bethel smoke free. He has asked drivers and other passengers in the cab he was in to not smoke and has met a lot of resistance.

Dr. Olivia Hogan, pediatric dentist, reported that she treats lots of children who need dental surgery. She sees damaged lungs and the procedure cannot continue.

David Hicks, felt this ordinance was a misguided attempt to regulate people's lives. He felt the good examples should be set at home.

Tim Oosterman, stated he smokes by choice, but not around his children or anyone who objects to it. He voiced his objection to the ordinance and felt common sense should prevail.

Mayor Phillips passed the gavel to Vice Mayor Rodgers in order to speak.

Agnes Phillips, who is an asthma sufferer, stated she cannot go to a restaurant where there is smoking. She noted that not everyone has the common sense referred to by Mr. Oosterman. She strongly supported the ordinance and appreciated the efforts of the audience.

Vice Mayor Rodgers returned the gavel to Mayor Phillips.

Paula Malloy, stated she has been encouraged to see the number of non-smoking establishments around the state and the country. She didn't think businesses should be put in a position of enforcement of this ordinance.

David Hicks, noted the proliferation of laws which the city cannot enforce now. He opposed laws which intrude into his private life.

APPROVAL OF MINUTES

Mayor Phillips noted corrections to the July 28 minutes;

MOVED BY:	Rodgers	To approve the minutes of the regular council meeting of July 28, 1998, as amended.
SECONDED BY:	Anvil	

VOTE ON MOTION	Motion to approve the minutes carried by unanimous consent.
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APPROVAL OF AGENDA AND CONSENT AGENDA

There were no items listed on the consent agenda.

City Manager Herron requested an Executive Session be held concerning two lawsuits involving the city. Council Member Pobrisio requested the Executive Session also include a personnel issue.

MOVED BY:	O'Brien	To approve the agenda as presented.
SECONDED BY:	Rodgers	

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

Mayor Phillips announced the following:

- Mayor Phillips thanked all the members of the public who attended the meeting.
- The Mayor thanked the council members who attended the lunch with the Governor regarding the fish disaster.
- She announced that the next Council meeting would be held on Monday, August 24, due to that Tuesday being Primary Election Day.
- The Mayor pointed out a thank you letter from Arlene Patton, State Coordinator, for City's participation in the visit by the Secretary of HUD, Andrew Cuomo.
- She stated the city offices would close early on Friday so the employees could attend a picnic.
- Mayor Phillips pointed out that APRN had asked for the names of people who have most affected Alaska since statehood. She reminded Council members to advise her of the names they would like submitted.
- She pointed out an update to the Airport plan included in Council's packets.

At the request of the Mayor, City Clerk Vaughan read a proclamation declaring Census 2000 a top priority for the City of Bethel.

CITY MANAGER'S REPORT

City Manager Herron noted the Department Head reports in the Council members packets.

Mr. Herron said he would like direction from the Council regarding the courthouse lease with the state.

MOVED BY:	O'Brien	To authorize the city manager to enter into negotiations for a lease with the state for the courthouse and immediate rental of space in the Braund Bldg. for a law library.
SECONDED BY:	Notti	

VOTE ON MOTION	Motion carried by unanimous consent.
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The Manager noted he had requested that the Finance Committee not meet until October.

The City Manager discussed the need to repair the sewage lagoon.

He pointed out that the section of the boardwalk from the hospital to Sackett Dorm has been vandalized numerous times, with even the ladder and the chain holding it to the boardwalk being stolen.

City Manager Herron thanked Dave Trantham for his work on the new park at the old library site.

Mr. Herron stated that Ted Forsi is working closely with VSW, CRW and Ollie Olson on any and all concerns with the new water treatment project. Sam Kito, YKHC and city personnel reviewed the Kasayulie Subdivision and have developed a "punch list".

The Manager has authorized the advertisement for hiring an additional grader operator. Currently, there is only one, but another is needed. With Council's direction, he will come back with a proposed budget modification for the additional position.

Public Works is currently battling an aging landfill tractor to keep it running. Mr. Herron recommended that the City consider and attempt to purchase a landfill compactor/loader by the last 1998 barge sailing.

City Manager Herron will schedule a meeting to seek comments on the proposed designs for the City dock. Council and Port Commission members, company personnel associated with the dock, and other interested persons are encouraged to attend the meeting on August 20, time to be announced.

The City needs to hold a public hearing on the "aboveground/underground" discussion of the water/sewer system in the city subdivision. Mr. Herron noted that his recommendation will be aboveground not on piling. He further noted that the cost of underground would be 1-1/2 to 2 times more costly.

He noted that Rex Young of DOT will be in town the following week to assist in applying for roads and trails projects for the years 2001 - 2003.

STANDING COMMITTEES

Public Works Committee

Council Member O'Brien announced that the next meeting will be August 18.

Port Commission

Council Member Rodgers stated there was not a quorum for the last meeting. He noted that the new ramp sections are in and a good asset to the boat harbor.

Public Safety Commission

Council Member Anvil stated the Commission met on August 5. The next meeting is scheduled for August 31.

Senior Citizens' Advisory Board

Council Member Anvil stated the board would be meeting on September 2.

Finance Committee

Mayor Phillips stated the Committee will not meet again until October as previously mentioned by the City Manager.

Planning Commission

Council Member Notti noted that the Commission will meet on August 13.

Parks & Recreation Committee

Council Member Sanchez-Pobrislo attended the meeting earlier that evening. The members were shown the walking sticks created by elementary students which will be entered in the State Fair. She spoke of the problem with groups renting space from residents in the area of the Log Cabin rather than renting from the City for the 4th of July. She stated that the playground equipment in storage for the past year needs to be installed and a storage shed need to be relocated. The next committee meeting will be September 8.

Transportation Committee

Council member Berger reported that there was no quorum for the August 6 meeting. The next meeting is scheduled for September 3.

Council Member O'Brien asked if volunteers could install the playground equipment since the Public Works' employees are terribly busy.

Mayor Phillips noted the vacancies on several boards and commissions.

City Manager Herron reported on the recent Code Enforcement committee meeting. He noted they had been requested by Council to develop a procedure for the hardship cases for the upcoming honeybucket deadline. He noted the draft appeal procedure in the packet and requested Council approval.

Discussion was held on the proposed appeal process.

MOVED BY:	Notti	To approve the hardship case appeal process.
SECONDED BY:	Pobrislo	

VOTE ON MOTION	Motion to approve carried by unanimous consent.
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OLD BUSINESS

Ordinance #98-07: Adding Chapter 8.10 of the BMC Entitled Smoking Pollution Control (City Council)

Mayor Phillips opened the public hearing.

Bruce Perry, stated he represented 85 city employees and this is an important matter and should have been broadcast on the radio. He has lived in Bethel for 27 years, has seven children and is a non-smoker. He spoke in opposition to the ordinance. He felt the ordinance may have been appropriate five or six years ago, but no law was needed at this time.

Joseph Klejka, family practice physician, spoke in support of the ordinance.

Caroline Renner, spoke in favor of the ordinance by relating statistics on the affects of second hand smoking.

Tundy Rodgers, spoke about his quitting the smoking habit in 1990. He noted that his younger children do not get ear infections now. He supported the ordinance.

Lisa Schlar, family physician, stated the passage of this ordinance will show the commitment by the Council to not expose children and those who do not smoke to second hand smoke.

Dave Trantham, said there seemed to be two versions of the ordinance. He requested another public hearing be held on this issue.

With no further testimony to be given, public hearing was closed.

MOVED BY:	Pobrislo	To enact Ordinance 98-07.
SECONDED BY:	Berger	

Council Member O'Brien spoke about his reservations on the ordinance.

Council Member Anvil said he had been a heavy smoker and gave it up twenty years ago. He was glad to see so many young people in attendance and that they had stayed to hear the Council discussion on the issue.

Council Member Pobrislo did not feel this law was needed in Bethel. She objected to the portion about not being able to smoke in your own home if you have a business there.

Council Member Notti would like a better definition of religious ceremonies.

MOVED BY:	Notti	To amend Ordinance 98-07 by substitution and to delete 8.10.070(A)(7) and to add "religious or cultural ceremonies" to definitions.
SECONDED BY:	Pobrislo	

MOVED BY:	O'Brien	To postpone Ordinance 98-07 to August 24.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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Ordinance #98-14: Amending BMC Section 9.20.020, Curfew (Council Member O'Brien) (Set for Public Hearing set for Aug. 11, 1998)

Mayor Phillips called for public testimony.

Tom Hildreth, Chairman of the Public Safety Commission, stated the Commission has talked about curfew for a long time. He attended a three-day work shop on community policing and told of the discussion held by the Bethel residents in attendance. He felt the community needs to get a handle on the youth.

Mary Gregory, had also attended the workshop and spoke in support of the ordinance.

Shari Neth, Public Safety Commission member, stated that Acting Lt. George Dahl attended the last commission meeting and he support this change from sixteen to eighteen.

Paula Malloy, stated that she has suffered from vandalism. She asked if the ordinance included drivers under the age of eighteen. She also asked about the collection of fines.

Dave Trantham, stated he was invited to speak on this by a member of the Public Safety Commission. When he first moved to Bethel, the doors of houses did not need to be locked, but there were only about 1200 residents then. He added that the last vandalism at his place was in the middle of the day.

With no one else to give testimony, the Mayor closed public hearing.

MOVED BY:	O'Brien	To enact Ordinance 98-14.
SECONDED BY:	Rodgers	

MOVED BY:	Rodgers	To suspend Council rules and continue the meeting past 10:00 p.m.
SECONDED BY:	Notti	

VOTE ON MOTION	Motion to suspend rules carried by unanimous voice vote.
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VOTE ON MOTION	Motion to enact Ordinance 98-14 carried by unanimous vote.
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ANVIL Yes	BERGER Yes	NOTTI Yes	O'BRIEN Yes
PHILLIPS Yes	RODGERS Yes	SANCHEZ-POBRISLO Yes	7 YES 0 NO

Ordinance #98-16: Repealing BMC Chapter 1.20 And Enacting Title 7, Elections (Mayor Phillips at request of Clerk)

Mayor Phillips open and closed public hearing, with no one coming forward to speak to the ordinance.

MOVED BY:	Rodgers	To enact Ordinance 98-16.
SECONDED BY:	O'Brien	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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Ordinance #98-17: Repealing A Penalty Provision In The Sewer Code That Is In Conflict With Another Penalty Provision (City Manager Herron)

Public hearing was opened and closed by Mayor Phillips, with none given.

MOVED BY:	O'Brien	To enact Ordinance 98-17.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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Ordinance #98-18: Requiring all Sewage Holding Tanks To Be Equipped With A Camlock (City Manager Herron)

Mayor Phillips called for testimony. With none given, public hearing was closed.

MOVED BY:	Rodgers	To enact Ordinance 98-18.
SECONDED BY:	Pobrislo	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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Ordinance #98-19: Requiring The Parent, Guardian And The Owner Of Snow Machines, ATVs, Motorcycles And Other Off-Highway Vehicles To Prevent Minors From Driving Or Riding On Such Vehicles Without An Appropriate Helmet (Public Safety Commission)

Mayor Phillips opened the public hearing.

Dick Russell, member of the Public Safety Commission, stated this had been discussed by the commission for over eight months. He requested that the amendment made in subsection A be deleted and that an amendment be made to add "sleds towed by vehicles". He also spoke about officer discretion and mandatory fines.

Mary Gregory, spoke in favor of the ordinance.

Bruce Perry, also spoke in favor of the ordinance.

With no further testimony to come before the Council, public hearing was closed.

MOVED BY:	Pobrislo	To enact Ordinance 98-19.
SECONDED BY:	Notti	

MOVED BY:	O'Brien	To postpone Ordinance 98-19 to August 24.
SECONDED BY:	Rodgers	

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

Discussion – Alcohol Delivery Site (Public Safety Commission)

Tom Hildreth, Chairman of the Public Safety Commission, stated that most of the alcohol problems in the villages stem from Bethel.

Shari Neth, Public Safety Commissioner, stated that three work sessions, three to four hours each, were held over the summer in developing this procedure.

John Hastie, Public Safety Commissioner, walked the Council through the Commissions flow charts, explaining the process. He noted that Bethel residency must be proven. The contractor would receive the storage and handling fees in payment for the program.

City Manager Herron stated there was a bill in the legislature in 1987 or 1988 dealing with this. He noted that it would be very difficult to "sell" this program to residents. He stressed to council to not look at making money at this program. He added that he support this concept.

Shari Neth said the City would be able to collect the 5% alcohol sales tax which is not being collected now.

A discussion ensued regarding the computer systems that would be necessary and the type of ID cards which would be issued. The discussion also included possible forgery of ID cards, how much alcohol can be considered "baggage" by someone traveling into Bethel. That amount is set by state statutes and a possible Bethel ordinance would not change that amount. Everything shipped in over that amount would be handled by the delivery site.

Council Member Notti stated personally he is against this, but a lot of people he has talked with are in favor of it, so he will vote for it. He felt education of the people would go further.

Bruce Day, Public Safety Commissioner, noted that this would not be a "cure-all" to bootlegging, but would be a start. He said the City needs to take one step at a time.

Paula Malloy asked if costs if programming would be included in the costs and about security and liability of the contractor. She hoped these had been addressed.

Shari Neth noted that liability can be worked out in the ordinance or in the contract. She added that change is not easy or fun and it will not be easy for residents to go to this system. She noted statistics from a 6-week police department report regarding the number of calls that were alcohol related. It was also noted that two-thirds of the protective custody cases were not Bethel residents. She felt that both sides of the wet-dry issue would be giving on this.

Mary Gregory stated she supported this program. She told about a village couple who came to town, got drunk and the wife died in their room at a local B&B. Families suffer from drinking abuse.

Council Member O'Brien felt in some way this might be an infringement, but people should watch the news. He felt the payment of the shipping and handling would be a small price to pay if it helps the community.

Council Member Notti did not see where this would slow down the alcohol coming into town. If people want to drink, they will find a way.

Council Member Rodgers asked about broken bottles in shipment, and what would happen.

Shari Neth stated that is part of the liability issue to be worked out in the ordinance or contract.

Dick Russell stated the State Troopers are excited about this program and hope this to be a model for other areas of the state.

Council Member Pobrislo did not believe this program would solve the alcohol problems.

MOVED BY:	O'Brien	To have attorney draft an ordinance.
SECONDED BY:	Pobrislo	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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Discussion – Sexual Assault Response Team Donation (City Manager Herron)

City Manager Herron stated that the Police Department had requested the Council donate \$1,000 to get the SART started.

Council Member Pobrislo questioned the use of this money and noted there were other organizations involved.

City Manager Herron recommended the City donate \$250 and let the other groups pick up the balance.

Council Member O'Brien stated the SART was needed, but he would not support the City footing the entire bill

MOVED BY:	Berger	To contribute \$250 to SART.
SECONDED BY:	O'Brien	

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

Due to the lateness of the hour, council comments were not given.

EXECUTIVE SESSION

MOVED BY:	Rodgers	To recess into executive session to discuss two lawsuits and a personnel issue.
SECONDED BY:	O'Brien	

VOTE ON MOTION	Motion carried by unanimous consent.
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The Council took a short break before beginning the Executive Session at 11:30 p.m.

The Council reconvened the regular meeting at 11:40 p.m.

ADJOURNMENT

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

VOTE ON MOTION | Motion carried by unanimous consent.

With no further business to come before the City Council, the meeting adjourned at 11:45 p.m.

PASSED AND APPROVED THIS 24th DAY OF AUGUST, 1998

ATTEST:

Agnes L. Phillips, Mayor

Gaye J. Vaughan, City Clerk