

CITY COUNCIL

*Tad Miller
Dario Notti
Mike O'Brien
Agnes Phillips
Ruth Richardson, Mayor
Stanley Rodgers
Thor Williams*



CITY MANAGER
Ken Weaver

CITY CLERK
L.J. Tanner

**City of Bethel
Regular Council Meeting Minutes
January 14, 1997**

I. CALL TO ORDER

The meeting was convened at 6:30 p.m. by Mayor Richardson in the Log Cabin, Bethel, Alaska.

II. ROLL CALL

Present: Miller, Notti, O'Brien, Phillips, Richardson, Rodgers, Williams
Absent: none

III. PEOPLE TO BE HEARD

Deborah Reichard, a resident of City Subdivision, addressed the Council with regards to the recent sewer spills on Mission Drive. Ms. Reichard noted that she has also voiced her concerns at the Public Works Committee meeting. She expressed anger and disappointment at the way the December spill was handled and listed three main issues: 1) response time - the December spill was not responded to for 24 hours. The City does not have, but needs to develop, an emergency response plan; 2) adequate clean-up - Ms. Reichard stated that she does not trust the City to conduct the clean-up properly; and 3) a lack of plans to upgrade the section of sewer pipe in question before hooking the rest of City Subdivision up. Ms. Reichard closed her remarks by stating that she is considering legal actions against the City.

David Lefner, of 502 Mission Drive, also spoke about the sewer spills. The break in the line occurred on his property. Mr. Lefner expressed discontent and frustration with the City's slow approach or "no" approach to the spills. He felt that the least the City could do was contact him directly and inform him as to what they plan to do about the problem. Mr. Lefner would like to know what the City plans to do with all of the contaminated soil in his yard. Children play in the yard and he also has a garden in the summer.

IV. APPROVAL OF MINUTES

The City Clerk noted that she had found several typographical errors in the minutes and that she would make the necessary corrections.

motion M/M by Miller, 2nd by O'Brien to approve the minutes of the December 10, 1996, regular meeting with typos corrected by the City Clerk.

vote Voice vote. Motion carried unanimously.

V. APPROVAL OF AGENDA

motion M/M by Miller, 2nd by Williams to approve the agenda as presented.

vote Voice vote. Motion carried unanimously.

VI. MAYOR'S REPORT

Mayor Richardson read a Proclamation establishing January 20-28, 1997 as K-300 Dog Sled Race Week.

Ms. Richardson noted that she would like the KYUK Radio station to stress snow-machine safety on Public Service Announcements.

Next, Mayor Richardson commented on several complaints she has received about the ice road. The ice road should follow the main river channel, and not cut through on Church Slough.

Regarding the seawall funding, Mayor Richardson would like an update from City Lobbyist Paul Richards.

Mayor Richardson made the following appointments to Committees and Commissions:

Finance Committee	Clint Schink
Transportation Commission	Phil White
Port Commission	Donna Chris, Allen DeSousa
Public Safety Commission	Dick Russell
Planning Commission	Joan Hamilton, Tom Warner

motion M/M by Miller, 2nd by Notti to ratify the Mayor's appointments.

vote Voice vote. Motion carried unanimously.

VII. MANAGER'S REPORT

City Manager Weaver referred Council to his written reports, and discussed the following:

- **Criminal Charges:** Mr. Weaver stated that he experienced a confrontation with a snow-machine driver in December, and that as a result, criminal charges may be filed against him. Mr. Weaver noted that he owed the snow-machine driver an apology, and that he would like the Public Safety Commission to discuss snow-machine safety.
- **City Sub Sewer Spill:** Mr. Weaver apologized to Mr. Lefner for not contacting him personally. Information is enclosed in the City Council packet regarding the spill, and the matter will be discussed under the New Business Item B "Contingency Plan for Sewer Spills."
- **Janitorial Services Bid:** Three bids were received, with the lowest bid submitted by Newman & Newman, at \$33,166.00. Mr. Weaver recommended awarding the contract to Newman & Newman.

motion M/M by Williams, 2nd by O'Brien to award the contract for janitorial services to Newman & Newman, for \$33,166.00.

vote Voice vote. Motion carried unanimously.

- **Statewide Transportation Improvement Plan Update** - Mr. Weaver briefly explained the materials in the Council packet. Council Member O'Brien noted that he had a problem with the 5th "Whereas" in the proposed resolution submitted by Mr. Parsi. Mayor Richardson suggested referring the STIP Update to the Public Works Committee. Council Member Miller added that the City should place as much financial burden as possible on the State.
- **Bank Stabilization Project Cost Increase** - Mr. Weaver explained why the cost of the project has increased. He has contacted the City's lobbyist, Paul Richards, to re-iterate the importance of state funding for the project.
- **Letter from Iqurmiut Traditional Council** - the ITC, of Russian Mission, sent a letter regarding the deaths in Bethel hotels. Mayor Richardson noted that the City Clerk will send letters to each village or traditional council that has contacted the City, to let them know that the Council has passed a law requiring additional liability insurance.

- Letter to Clean Stop Laundromat - Mr. Weaver pointed out that he has contacted the owners of the Clean Stop Laundromat, and requested them to enforce a "No Smoking" policy.
- Seawall Maintenance - Council Member Williams noted that snow behind the Bus Barn has been plowed down the bank stabilization project by the seawall. He is concerned that the runoff could damage the bank. City Manager Weaver noted that he is aware of the situation and is taking steps to correct it.
- Trails for Snow-machines - Council Member Miller stated that he would like the Planning Department or Commission to investigate trail markers for snow-machine use. He would also like to have maps of these trails issued and posted around town. City Manager Weaver said he would look into the issue.

VIII. REPORTS OF STANDING COMMITTEES and COMMISSIONS

Finance Committee: Council Member Phillips reported that the Committee will meet again on January 16.

Planning Commission: Council Member Notti stated that the Commission has agreed to lease land to the K300 for a permanent headquarters site. Council Member Miller inquired about the park at AVCP Housing. Mr. Notti responded that the City Planner is doing a check on the land title. Mr. Miller asked if the Commission would also discuss a permanent headquarters site for Bethel Search & Rescue.

Port Commission: Council Member Rodgers reported that the Port Director is working with the City Manager on a proposal made by the Commission to lease land at the south end of the small boat harbor. The next meeting of the Commission is on January 20.

Public Works Committee: Council Member O'Brien stated that the Committee discussed the sewer spill at length during their December meeting, and will continue to investigate how the Department can respond more quickly in the future. L.J. Davis was elected as the new Chairperson.

Public Safety Commission: Mayor Richardson reported that Tom Hildreth is now the Chairperson of the Commission. They discussed the Police Department Grant and snow-machine safety. The Commission would like public announcements to be made before the Police Department begins enforcing laws that were not previously enforced.

Transportation Commission: Council Member Williams stated that the Commission has asked several drivers to track their dispatches on paper for the next few weeks. The Commission needs good data. The next regular meeting of the Commission is scheduled for February 6.

Youth Services Committee: Council Member Miller reported that he has personally inspected the pilings of the Youth Center and they are definitely rotten and need to be replaced. The Committee is taking an active role in investigating a Recreation Center, with a sub-committee headed by Amy Smith. The Bethel PTA is working together with the Youth Center to provide skating on the rink next to the Log Cabin. The Committee would like to have one high school student appointed to the Committee as a voting member. A contest to name the park across from the Trailer Court has been initiated at the local schools. Programs for teenage boys and girls are being held at the Youth Center, and interested persons can call 543-2088 for more information. The Committee will have a meeting on January 21, 12:00 at the Youth Center.

Mayor Richardson noted that the City Clerk had made a mistake in reporting only one opening on the Transportation Commission. There were two openings, and Mayor Richardson appointed Tania Oh to the remaining open position on the Commission.

motion M/M by Miller, 2nd by Notti to ratify the Mayor's appointment of Tania Oh to the Transportation Commission.

vote Voice vote. Motion carried unanimously.

IX. OLD BUSINESS

Item A: Public Hearing on Ordinance #96-47, Regarding River Taxis

Mayor Richardson opened the Public Hearing for Ordinance #96-47. Rick Robb of the Transportation Commission explained the reasons behind the ordinance, which requires additional safety equipment for river taxis. Frank Mazarro, a river taxi driver, expressed his opinion that too much equipment is required by the new ordinance. Robert Himschoot, Transportation Commission Chairperson, explained that if the City is going to require that river taxis have permits, they also need to require the safety equipment, both for the safety of drivers and passengers, and as liability protection for the City. Joli Morgan asked for a clarification of the fee required for a river taxi and his question was answered by Council Member Williams. Seeing no one else to speak to the Ordinance, Mayor Richardson closed the public hearing and asked for Council Member comments.

Council Member Notti stated that he thinks the permit fee should be lower, and made a motion to that effect. Mayor Richardson stated that she would prefer to hear all Council members comments before opening the floor to any motions, and Mr. Notti withdrew his motion. Mr. Notti noted that he is opposed to making businesses that are not based in Bethel (i.e. a Kwethluk cab driver) apply for a Bethel river taxi permit.

Council Member Williams expressed his opinion that the increased river taxi fee is not excessive, because river taxi drivers charge more money than regular taxicab drivers. Mayor Richardson noted that a taxicab got stuck upriver last week. They were lucky enough to be within walking distance of the village. It was very expensive to have a tow truck drive up from Bethel to get the car out. It was a regular car, not a four-wheel drive, and that is probably why they got stuck.

motion M/M by Notti, 2nd by Miller to reduce the river taxi fee from \$125 to \$100.

vote Roll call vote. Motion carried, 6-Yes, 1-No (Williams)

motion M/M by Miller, 2nd by O'Brien to change the effective date of the ordinance from "immediately upon adoption" to "January 21, 1997."

vote Voice vote. Motion carried unanimously.

motion M/M by Williams, 2nd by Phillips to amend Ordinance #96-47 by adding the words "and shovel" after the word "winch" in Section 3(C)4, and to amend the ordinance by adding winter pants and winter coat in Section 3(C)5.

vote Voice vote. Motion carried unanimously.

motion M/M by O'Brien, 2nd by Williams to adopt Ordinance #96-47 as amended.

vote Roll call vote. Motion carried, 6-Yes, 1-No (Notti)

Item B: Public Hearing on Ordinance #96-48, Halting the Issuance of Taxicab and Dispatch Service Permits.

motion M/M by Williams to limit public testimony to 3 minutes per person.

no second Motion failed, for lack of a second.

Mayor Richardson opened the Public Hearing for Ordinance #96-48. Bob Carlson expressed his opinion that the ordinance conveys ownership or property rights of the permits to the taxicab drivers, thereby creating something of value that is not available to all citizens. Robert Himschoot clarified several aspects of the ordinance for the Council. Transportation Commission member Rick Robb pointed out that the public does support reasonable re-regulation of the taxi industry. Mr. Robb also pointed out several mistakes in the ordinance that need to be corrected. A lengthy Council discussion ensued.

Council Member Notti stated his opinion that the permits should be transferable upon death of the permit holder. Mayor Richardson questioned how a permit could be inherited if it is owned by the City. Mayor Richardson stated that in her opinion, the Ordinance needs to be reviewed by City Administration, and be returned to the City Attorney for re-working. Council Member Williams noted that the Emergency Ordinance currently in effect will expire on January 26. Since the next Council meeting is not until January 28, this will create a 2-day window during which there will be a rush by drivers to apply for new permits. Council Member Miller added that he would like the City Manager to request a clarification from the City Attorney on who actually "owns" the permits.

motion M/M by O'Brien, 2nd by Rodgers to table Ordinance #96-48 until the regular Council meeting on January 28, 1997.

vote Voice vote. Motion carried, 5-Yes, 2-No (Miller, Notti)

X. NEW BUSINESS

Item A: Resolution #97-01, Expressing Intolerance for Hate Crimes in Bethel

Council Member O'Brien, who sponsored the Resolution, said that the most recent incident is not the only reason for his Resolution. As an ethnically diverse community, racially motivated hate crimes cannot be tolerated in Bethel. Council Member Miller expressed his agreement with Mr. O'Brien. Mayor Richardson read Resolution #97-01.

motion M/M by Miller, 2nd by Mike to amend Resolution #97-01 by adding "Be it Further Resolved, that the City of Bethel welcomes and embraces ethnic diversity, and celebrates the cultural differences among our citizens."

vote Voice vote. Motion carried, unanimously.

motion M/M by Williams, 2nd by Miller, to adopt Resolution #97-01.

vote Voice vote. Motion carried, unanimously

Item B: Contingency Plan for Sewer Spills

Council Member O'Brien, who requested the agenda item, expressed his displeasure with the way the December sewer spill on Mission Drive was handled. Joli Morgan, who lives near the site of the spill, stated that the City's performance has improved somewhat from years past, but still leaves much to be desired. Shari Neth, also a City Sub resident, stated that the City should fix the problems with the current sewer line before installing additional sewer pipes in City Sub. She also pointed out that Hepatitis A shots are free for children, and \$75.00 for adults, at the Bethel Family Clinic.

City Manager Ken Weaver stated that he has directed Harry Parsi, the Public Works Director, to formulate and submit a detailed plan for handling future spills. The Public Works Director has also been directed to work with the engineers that have been hired to plan the new sewer lines, to correct the existing problems. Mr. Weaver added that he believes the sewer line should be above ground, not buried.

Mayor Richardson noted that the contingency plan should include provisions for public notice on the radio, cable TV, and newspaper, warning citizens to avoid the area of a spill. Council Member Miller suggested that the plan should spell out how the City will replace damaged property.

Public Director Harry Parsi stated that he is working on the Contingency Plan, and is working with the City's engineers to correct the problems before the new sewer lines are installed. Council Member Williams recommended that contingency plans also be developed for problems with sewer trucks. Mayor Richardson referred this item to the Public Works Committee.

Deborah Reichard, City Sub resident, said she would like a timeline for replacement of the existing sewer line and its' placement above ground. Currently, she does not have a driveway from her home to the street, due to the large pile of dirt and sewage that was dug up to repair the most recent spill. Mayor Richardson suggested that Mr. Parsi make provisions for setting up a temporary driveway for Ms. Reichard. Mr. Parsi responded that CRW, the City's engineers for the sewer line project, will have a plan to him by next week. He expects that the sewer line could be replaced this spring, and offered a timeline of 2-7 months. City Manager Weaver said that the engineers from CRW will appear at the next Council meeting.

Council Member Miller asked if the City could pay for Hepatitis A shots for residents in the immediate area of the spill. The Council and City Manager agreed.

Item C: Discussion - Taxi Accounts Payable Review

Council Member Miller, who requested the agenda item, explained his reasons for bringing it up. The City's ordinance requires that when a person applies for a taxicab permit, their accounts be reviewed to see if they owe any money in connection with the permit being sought. The current practice is to check all accounts of the applicant, including sales taxes for other business they might own, water or sewer bills, or ambulance and protective custody bills. Mr. Miller believes this is an unfair practice, especially since it is not authorized by the City's ordinance.

Council Member O'Brien agreed with Mr. Miller. If a person owes a few dollars for a sewer bill, it doesn't make sense to hold up their taxicab permit, which would allow them to earn the money needed to pay the bill. Terryl Miller, a local taxicab driver, stated that he believes there is too much paperwork and over-regulation of the taxicab industry. Mayor Richardson noted that if the City's ordinance does not authorize a complete check of an applicant's accounts, it should not be done. The Council agreed.

XI. COUNCIL MEMBER COMMENTS

Miller - Thanked the other members of the Council for their Christmas cards and wishes. Encourage parents to volunteer to help at the Youth Center.

Notti - Wished everyone Happy New Year and Happy Slaviq.

O'Brien - Wished everyone a Happy New Year and Happy Slaviq. Thanked everyone who attended to provide input to the proposed ordinances.

Phillips - Thanked the Public Works staff for their work on the sewer spills. Wished everyone a Happy New Year and Happy Slaviq. Asked parents who live near the Sr. Center to please keep an eye on their children.

Richardson - Said that she found the comments made during the last two weeks about the sewer spill interesting, especially considering that a significant sewer spill in Trailer Court has not been noted by the press or public.

Rodgers - No comment.

Williams - Stated that sewer spills are a hindrance to promoting tourism. Stated that he did not appreciate Council Member Miller putting his telephone number in the newspaper. His number is listed in the telephone book. Noted that he will not be present at the next two Council meetings, but will participate by teleconference.

XIII. EXECUTIVE SESSION

motion M/M by Williams, 2nd by Miller to adjourn the regular meeting and enter Executive Session for the purpose of discussing the Rodgers vs. City of Bethel claim, at 9:56 p.m. It was requested that the City Clerk remain for the Executive Session discussion. *Mayor Richardson and Council Member Rodgers left the council chambers at this time.*

vote Voice vote. Motion carried unanimously.

motion M/M by Miller, 2nd by Williams to come out of Executive Session at 10:28 p.m.

vote Voice vote. Motion carried unanimously.

The City Clerk was directed to place the Rodgers vs. City of Bethel case on the Executive Session agenda for the January 28, 1997 meeting.

XIII. ADJOURNMENT

motion M/M by Williams, 2nd by Notti to adjourn the meeting at 10:28 p.m.

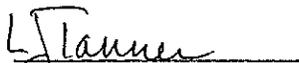
vote Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 28TH DAY OF JANUARY, 1997.



Ruth M. Richardson, Mayor

ATTEST:


(L.J.) Tanner, City Clerk