
City of Bethel, Alaska

City Council Minutes

March 13, 2001

Regular Meeting

Bethel, Alaska

CALL TO ORDER

A regular meeting of the Bethel City Council was held on March 13, 2001, at 6:30 p.m. in the council chambers, Bethel, Alaska.

Mayor Rodgers called the meeting to order at 6:30 p.m.

ROLL CALL

Comprising a quorum of the Council, the following were present:

Mayor Rodgers	Jerry Drake
Agnes Phillips	Dario Notti—6:40
Mike O'Brien	Karol Pobrislo

Also in attendance were the following:

George Young, Acting City Manager
Colleen Soberay, City Clerk
Louann Cutler, City Attorney—*via teleconference for old business item F/G and executive session*

PEOPLE TO BE HEARD

Jim Libby, Bethel resident, spoke to Council in regard to increasing City cab rates. He said it is an emergency because of the increase in fuel costs and because rates haven't been raised in a long time. He said costs have accumulated over the years and said it's important that Council allow for this increase with Ordinance 01-12. He also spoke to Ordinance 01-02 in that he is opposed to mandatory trip reports. He said trip reports would be very difficult to maintain and violates the privacy of customers. He also questioned whether drug testing should be done because of the amount of time it will take up trying to administer the test.

APPROVAL OF MINUTES

MOVED BY:	Pobrislo	To approve the minutes of the Feb. 27 regular meeting
SECONDED BY:	Phillips	

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

MOVED BY:	Notti	To approve the consent agenda with addition of executive session re: Lion's Club lease up-date and personnel matter; and addition of new business item G-business licenses.
SECONDED BY:	Drake	

Consent agenda items: Res. #01-07—Nominating Council member Notti to serve on the Alaska Coastal Policy Council. Res. #01-08—Supporting the development of North Slope gas through the utilization of the Alaska Gas Line Port Authority. Res. #01-09—Establishing a records management steering committee Res. #01-11—Supporting shooting sports and hunter safety courses

VOTE ON MOTION

Motion carried by unanimous voice vote.

MAYOR'S REPORT

The Mayor's Report included the following:

- Governor's Talking Points for the week of March 5, 2001
- Public Message from Senator Lyman Hoffman
- Press Release — *Re:* Democratic Legislators Condemn Hate Crime
- Letter from U.S. Department of Commerce — *Re:* Census 2000 Results and product information
- Public Message from Representative Kapsner — *Re:* PFD filing deadline, April 2
- Newsletter from Representative Kapsner
- Press Release — *Re:* Alaska Housing, Alaska's Annual Low-Income Housing Tax Credit Allocation Increases to \$2 million
- Invitation to the 2001 Coastal Conference, April 3-5 in Juneau

MANAGEMENT TEAM'S REPORT

Acting City Manager Young noted the management reports included in council packets. Mayor Rodgers asked Mr. Young about the possibility of acquiring the post office annex for use as a police station. Mr. Young said he would refer it to the city manager.

REPORTS OF STANDING COMMITTEES

Senior Advisory Board

Council member Berger was not present. The city clerk said the SAB's March 13 meeting was cancelled, but the SAB is rescheduled to meet March 20 and reviewed the agenda.

Planning Commission

Council member Notti said the commission met March 8. He said the commission primarily discussed ordinance #01-05 and Lee Sharp was in attendance to review the final ordinance. He said the ordinance is on the agenda and that the City Planner will provide an up-date at that time.

Port Commission

Mayor Rodgers said the commission will meet March 19 and reviewed the agenda.

Public Works Committee

Council member Drake said the committee has not met since the last Council meeting.

Public Safety and Transportation Commission

Council member O'Brien said the commission met March 5 to hold public discussions concerning Ordinance #01-02. He said the main concerns from the taxicab industry are in regard to drug testing, mandatory trip reports and an issue concerning horn honking. Mr. O'Brien reported the ordinance has been referred to council for a progress report.

Finance Committee

Council member Phillips said the committee met March 8. She reported the committee voted to change the regular date of the committee meeting in an effort to accommodate those who wish to attend both the Planning Commission and Finance Committee meetings. Ms. Phillips said starting in May regular meetings will take place on the 4th Thursday of each month, but the next meeting is scheduled for April 19. Ms. Phillips read a motion that passed at the March 8 meeting in regard to an increase in water and sewer rates: To recommend to the City Council that it raise piped water and sewer rates to a level equal to 500 gallons of hauled water and sewer per week; and any additional revenues needed be done with an across-the-board increase to all water and sewer customers. Ms. Phillips said the committee suggested the City eliminate the library contribution. Ms. Phillips also reviewed the March 5 and 8 minutes.

Parks and Recreation Committee

Council member Pobrislo said the committee met February 28 and the main item discussed has been brought to Council as a resolution on the agenda. She explained the resolution is in support of a sports shooting program. She said the next meeting is scheduled for March 28 at 6 p.m. Ms. Pobrislo also said the committee feels the Children-At-Play signs recently put up, though appreciated, are inadequate because they are too small or not visible enough. She asked if it would be possible to get bigger, brighter signs and requested that Mr. Young bring this to the attention of the city manager.

UNFINISHED BUSINESS

Item A — Public Hearing on Ordinance #01-08: Increase in water and sewer rates

Mayor Rodgers opened the public hearing and noted this is the fourth public hearing on Ordinance #01-08.

Thor Williams, Bethel resident and Public Works Committee member, raised the issue that a flat 20 percent increase essentially means those living in town will be subsidizing those in the outlying areas of Bethel. He asked if a flat rate increase was only a band-aid? He said he appreciates improvements made in the water and sewer service over the last four years. He said the City is still building and growing and the only housing going on piped water is AVCP housing. He said that because he lives so close to the water facility, he will be subsidizing those living in Larson, Tundra Ridge and Kasayuli subdivisions. Mr. Williams said the council should defeat a flat 20 percent increase and look into redistricting Bethel. He also explained the urgent need to get off the hauled water and sewer system.

*Mayor Rodgers read a public hearing letter from **Bruce Wegner**.*

" . . . While I understand the need to raise rates after being frozen for a long time, a 20 percent increase at one time seems excessive. Couldn't the increase be phased in over several years? The timing seems unfortunate to make such a large increase at the same time that we are suffering from the fishing disaster, skyrocketing fuel costs and large postal increases which affects the store prices of most other goods . . . "

" . . . A second concern that I have is whether the large increase is related to the excessive cost of trying to provide the new YKHC subdivision and other outlying areas with city services? . . . it was a very costly error for the city to accept the responsibility to an area which will, because of it's location, cause an excessive financial burden on the city for years to come . . . Has a plan been considered to

create a tiered system related to the cost of providing service to outlying areas, or must the rest of the hauled water customers subsidize them? . . . "

" . . . last concern as to whether the city has looked seriously into alternative billing options related to cost and quality of service . . . my point is that just making a 20 percent increase in the rates seems like a simplistic answer to what should be looked at as a more complicated problem . . . "

With no one else to speak to this ordinance, Mayor Rodgers closed the public hearing.

Mayor Rodgers suggested enacting an ordinance that would leave the responsibility to the City Finance Department for increasing rates in increments. He said this is something Council should discuss. He said this might prevent such a long lapse of increases so as to avoid large increases all at once. Mayor Rodgers said he is in favor of a step increase.

Council member Drake said a flat 20 percent increase will bring the City to a break even point, and then Council should address issues of redistricting, metering and the like. He said right now the citizens of Bethel are paying for that increase by a lack of other services. He reiterated that once the City gets to a break-even point, all other options could be explored.

Council member O'Brien said he supports an increase, but he has one concern and that is he feels people should pay for what they get. He said he has long been a proponent of meters.

Council member Phillips thanked everyone for his or her comments. She said she grew up in Bethel and appreciates water and sewer services so families can have safe, clean water. She said the City has subsidized the water and sewer services all these years and its time for an increase. Ms. Phillips also said those living in outlying areas don't always have a choice.

Item B — Public Hearing on Ordinance 01-06: Adopting fees and charges for the City

Mayor Rodgers opened the public hearing.

There was no one from the public to be heard.

MOVED BY:	Drake	To adopt Ord. #01-06
SECONDED BY:	O'Brien	

VOTE ON MOTION	Motion carried by unanimous roll-call vote.
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Item C — Public Hearing on Ordinance #01-09: Amending certain sections of the BMC providing for authority to impose certain fees

Mayor Rodgers opened the public hearing.

There was no one from the public to be heard.

MOVED BY:	O'Brien	To adopt Ord. #01-09
SECONDED BY:	Pobrislo	

VOTE ON MOTION	Motion carried by unanimous roll-call vote.
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Item D — Public Hearing on Ordinance #01-12: Increase in taxicab rates

Mayor Rodgers opened the public hearing.

There was no one to speak to this ordinance.

MOVED BY:	O'Brien	To adopt Ordinance #01-12
SECONDED BY:	Phillips	

Council member Drake said he is concerned about putting the City in a position to have to enforce something it can't in regard to striking out the word maximum in the ordinance. He asked how the police department would enforce that all taxicab companies charge the same rate.

Council member Notti said by making taxicab rates the same vs. a minimum and maximum rate, the City eliminates companies who advertise they'll provide services at the old rate. He also commented on the distances in the ordinance in that if someone wants a ride in between places they should only have to pay for the distance they need to go, not double. He said as Bethel grows the City needs to come up with better ways of charging for cab rides.

VOTE ON MOTION	Motion carried by a unanimous roll-call vote.
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Item E — Sales tax work session with Finance Director

Stuart Robinson, City Finance Director, reviewed recommended changes to the sales tax code with Council as part of an ongoing work session to identify problem areas in the sales tax code. He explained the changes requested for: 1. Exemptions—in regard to sale of food and beverages; sale of goods to a purchaser where the resale of goods, in the same or altered form, will be subject to the tax levied; sales of goods to a purchaser where the goods will be transferred to another person in a sale or performance of a service; 2. Rulings and regulations—require an ordinance instead of a resolution; 3. Monthly returns and payments—standardization of the reporting requirements; 4. Situs of taxable transaction—recommended added language "including services which include transportation originating and or terminating in the city." Mr. Robinson asked that these recommended changes be incorporated in the ordinance that will result with the completion of the sales tax work sessions. Council agreed to all except for number four.

New Business Item G — Discussion item: City business licenses (moved up on agenda)

Council concurred to move new business item G up on the agenda, as Council member O'Brien had a question for Mr. Robinson. Council member O'Brien said he received calls in regard to non-profits who require a physical business license, but are not getting them. Mr. Robinson said he is aware of the problem and it's being taken care of, as the tax office experienced some computer problems.

Item F — Status Report: Ordinance #01-02: Amending sections of Chapters 2.25 of the BMC relating to the PSTC; and repealing and reenacting Chapters 5.20 through 5.50 of the BMC relating to regulation of the taxicab industry

Louann Cutler, city attorney, reported the status of Ordinance #01-02 to Council. She provided Council with a memo of the changes made by the Public Safety and Transportation Commission (PSTC). Ms. Cutler asked Council to review the memo and offered to answer any questions.

Council member Drake asked about the ordinance in regard to PSTC raising taxicab rates. Ms. Cutler explained the difference between Ordinance #01-12 and #01-02 in that the PSTC may change rates if need be through the regulatory process as set forth in Ordinance #01-02. She said Ordinance #01-12 was passed at the request of taxicab drivers as a solution until Ordinance #01-02 is passed, kind of like an emergency ordinance.

Council member Notti asked what specifically would be considered an accident in regard to post-accident, post-citation and reasonable cause drug and alcohol testing. He compared running over a toy left in someone's driveway to running over a child in the driveway. Ms. Cutler said the intent of this is not to go overboard. Mr. Notti said the language in the ordinance is vague. Ms. Cutler explained reasonable cause such as a true suspicion. She also said she would work with the language.

Council member O'Brien said in regard to accident scenarios there is already state and federal laws in which the City could look to. Council member Drake reiterated that there needs to be a plan in place to conduct testing and the City should follow federal guidelines to be legal and fair. Ms. Cutler said Ordinance #01-02 is being proposed to Council and if Council does not want drug testing in the ordinance, Council may request it be taken out of the ordinance.

Discussion briefly ensued. Council agreed procedures should be put in place to ensure equal treatment.

Mayor Rodgers said the increase in the insurance requirement to \$1,000,000 is unreasonable. Ms. Cutler said Council passed a motion some time ago that required the insurance to go up, but she will check into this, as \$1,000,000 may be a typo and she will research the limits.

Council also discussed putting pre-application screening into the ordinance as it was removed by PSTC.

Frank Mazzaru, taxicab industry, spoke to Council on Ordinance #01-02. He said, in regard to pre-screening, people might get cleaned up for the test, but go right back to old habits once they are hired. He also spoke against required trip reports. Mr. Mazzaru said trip reports are not only tedious but would be very hard to do. He said at best bogus reports would be turned in. He explained why trip reports would not work. Mr. Mazzaru also brought up the first-aid requirement in that there should be a disclaimer on how much first-aid needs to be given. He said cab drivers should not be responsible to give CPR or provide other medical equipment. Council member Pobrislo said she understands cab drivers don't want to be responsible, but simple first-aid kits should be required and are appreciated.

Council member Notti said he wants trip report requirements to be taken out of the ordinance. Ms. Cutler said the Chief of Police would probably want a chance to comment on trip reports to give a different opinion. Ms. Cutler explained trip sheets are for both safety and to assist with police investigations. Council briefly discussed trip reports.

Discussion briefly ensued and Council reviewed list of concerns for the city attorney to address with the PSTC.

MOVED BY:	Drake	To refer Ordinance #01-02 back to the PSTC for 30 days to work on issues raised with the city attorney.
SECONDED BY:	Pobrislo	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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Item G — Status Report: Ordinance #01-05: Repealing and Reenacting Titles 15, 16, 17 and 18 of the BMC governing site plan permits and development, flood protection, the comprehensive plan, subdivisions, land use regulations; and amending other related code provisions

City Planner, John Malone, reported the status and process used to reach the final version of Ordinance 01-05 with Council. He recommended Council read the minutes from the March 8 Planning Commission meetings, as activities of the commission work sessions are outlined in the minutes. He said Ordinance #01-05 is ready to go to Council for public hearing and adoption.

Council member Drake asked if provisions were made for substandard lot sizes. Mr. Malone said lot size provisions weren't really changed in the new ordinance and reviewed the boundaries. Mr. Malone also pointed out Mr. Sharp's original memo outlining and explaining all of the issues and changes in the new ordinance.

Mayor Rodgers set the public hearing for Ordinance #01-05 for April 10, 2001 at the regularly scheduled council meeting.

EXECUTIVE SESSION

MOVED BY:	Drake	Moved to suspend the rules and go into executive session to discuss the Lion's Club lease and a personnel matter
SECONDED BY:	Phillips	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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Council came out of executive session.

NEW BUSINESS

Item A — Resolution 01-07: Nominating Council member Notti to serve on the Alaska Coastal Policy Council

Resolution #01-07 passed under consent agenda.

Item B — Resolution 01-08: Supporting the development of North Slope gas through the utilization of the Alaska Gas Line Port Authority

Resolution #01-08 passed under consent agenda.

Item C — Resolution #01-09: Establishing a records management steering committee

Resolution #01-09 passed under consent agenda.

Item D — Resolution 01-11: Supporting shooting sports and hunter safety courses be taught in conjunction with LKSD

Resolution #01-11 passed under consent agenda.

Item E — Resolution 01-10: Providing the official names of Bethel cemeteries and that official signs be placed at each cemetery

MOVED BY:	Phillips	To adopt Resolution #01-10
SECONDED BY:	O'Brien	

VOTE ON MOTION	Motion carried by a unanimous voice vote.
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Item F — Ordinance 01-13: Budget modification

MOVED BY:	Phillips	To introduce Ordinance #01-13 and set public hearing for April 10, 2001
SECONDED BY:	O'Brien	

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

Council Member Berger was not present.

Council Member Pobrislo said she enjoyed Council member O'Brien's AML board meeting review. She also commented on the regional basketball game taking place Thursday through Saturday.

Council Member Notti commented on the idea that some urban legislatures think that rural communities don't pay their own way. He said urban areas are reaping benefits because of rural areas in Alaska. He also said it's nice to see so many people volunteer to help with the search and rescue effort.

Council Member O'Brien gave a brief report on the last AML board meeting. He said the minutes from the meeting are in the legislative bulletin. He reported the meeting was well attended and Senator Wilken gave a presentation in regard to school funding. Council member O'Brien said there were mixed emotions in that a lot of people are still looking to rural Alaska to pay for their schools. He also said there was an in-depth discussion at the meeting in regard to drug and alcohol issues. Council member O'Brien further reported the AML board took a new approach to visiting with the legislature in that the attitude was more of "what can we do as an organization to help [the legislature] meet its priorities rather than ask for more. He said the AML board was well received and said it is safe to say future lobbying will be along the same lines.

Council Member Drake commented on Senate Bill 83. He said he listened to the testimony of Senate Bill 83. He said Sen. Wilken wants a \$250,000 cap in that if a project is more than \$250,000, it has to go out to bid. He said Sen. Wilken was opposed to St. Mary's managing their own force account project because a contractor from his area would not get the project and all the money made from the project would not go to Fairbanks. He said back to the wage issue, you can't argue the wage issue if you don't have the program to begin with. He said everyone should stay on top of this Bill and get in contact with Sen. Hoffman and Rep. Kapsner to try to stop Senate Bill 83 from passing. This Bill hurts everyone, not only Bethel.

Mayor Rodgers gave his best wishes to the family involved with the recent search and rescue efforts.

Council Member Phillips thanked George Young for being the acting city manager and the city clerk for her hard work.

ADJOURNMENT

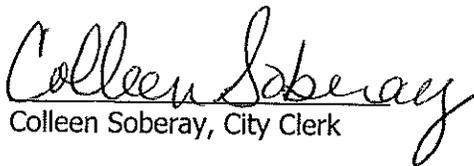
MOVED BY:	Notti	To adjourn the meeting.
SECONDED BY:	Drake	

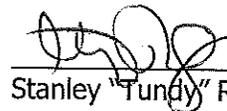
VOTE ON MOTION	Motion carried by unanimous voice vote.
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With no further business before the Council, the meeting adjourned at 10:40 p.m.

APPROVED THIS 10th DAY OF APRIL 2001.

ATTEST:


Colleen Soberay, City Clerk


Stanley "Tundy" Rodgers, Mayor