

City of Bethel  
City Council

Regular Meeting of June 14, 1994

**I. CALL TO ORDER**

The meeting was convened at 7:30 PM by Mayor Chris in the Log Cabin, Bethel, Alaska.

**II. ROLL CALL**

Present: Chris, Jones, Metcalfe, Miller, Trantham, Tubbs, Wintersteen

**motion** M/M by Jones, 2nd by Trantham to hear the presentation by Dick LeFebvre, Division of Land at this time. Voice vote. Motion carried unanimously.

**IX. OLD BUSINESS**

**ITEM A: Presentation by Dick LeFebvre, Deputy Director, Division of Land, and Rick Thompson, Southcentral Regional Manager, Department of Natural Resources, Regarding Final Action for Issuance of Tideland Lease for Seawall to the City of Bethel**

Dick LeFebvre addressed the Council, relating that he had met with the City Manager and that they had resolved a number of outstanding issues regarding the seawall lease. Mr. LeFebvre indicated a draft lease should be completed in one to two months. Some of the issues resolved, according to Mr. LeFebvre, were the right of access of the upland owners and the terms of rent and additional compensation. Mr. LeFebvre stated the lease would provide upland owners access to the water and would address the appeals of the upland owners still pending.

*At this time the Council returned to the original order of the agenda.*

**III. PEOPLE TO BE HEARD**

Debbie Elliott announced to the people in the audience that the presentation by the Concerned Citizens Committee would be the last item on the agenda.

Bill Stokes addressed the Council regarding the leaking barrels of tar across the river. Mr. Stokes informed the Council that he had arranged for the City to receive the tar and use the landfill as a storage space for the tar until the City could use it on the roads. Mr. Stokes estimated enough tar would be placed in the landfill for six to eight miles of

pavement. Mr. Stokes also stated there was no indication that anything other than tar was contained in the barrels, and that the Corps of Engineers would have the fourteen barrels that are currently leaking picked up by June 20, 1994, with all drums picked up by mid-August. Mr. Stokes asked the public for any information about the barrels and other sites that may be in the area.

**IV. APPROVAL OF MINUTES**

**motion** M/M by Miller, 2nd by Jones to approve the minutes of the May 24, 1994, regular meeting as presented. Voice vote. Motion carried unanimously.

**motion** M/M by Miller, 2nd by Jones to approve the minutes of the June 7, 1994, special meeting as presented. Voice vote. Motion carried unanimously.

**IV. APPROVAL OF CONSENT AGENDA/REGULAR AGENDA**

**motion** M/M by Trantham, 2nd by Jones to move New Business Item D: Presentation by the Concerned Citizens Committee, into Executive Session as a personnel matter.

**discussion** Mayor Chris announced that a sign up sheet would be available for those wishing to address the Council in Executive Session. Council member Wintersteen asked if the people would speak one at a time and then leave when they were finished. Council member Trantham answered yes, and the Mayor agreed.

Debbie Elliott stated the Committee had prepared a cohesive presentation and speaking one at a time would disrupt the presentation.

Mayor Chris responded that in Title 29 of Alaska Statutes, personnel matters are considered Executive Session material unless otherwise requested by the person affected.

Debbie Elliott asked for clarification regarding Executive Sessions and public discussions. Council member Miller stated the Council has a responsibility to protect employees and added that the Committee could submit their comments in letters to the newspaper. Mr. Miller also stated the Council has a responsibility to citizens' concerns and asked the Mayor if the issue constituted a personnel matter.

Mayor Chris replied that the flyers the Committee had distributed around town had decided the matter by stating that the presentation to the Council

concerned the City Manager's termination.

Council member Metcalfe stated the Council's duty was to protect the City from potential liability.

Council member Wintersteen stated that the Council was providing the opportunity for all to speak who wished to or to submit written testimony, and that he also was concerned about protecting the City from potential liability.

Council member Miller asked the difference between the presentation and someone speaking in People to be Heard and complaining about some other employee. Mayor Chris replied that the Council had no knowledge of the content of the presentation.

**vote** Voice vote on the motion. Motion carried, 6-Yes, 1-No (Miller).

**motion** M/M by Jones, 2nd by Trantham to approve by consent, Items A and B under New Business. Voice vote. Motion carried unanimously.

**motion** M/M by Metcalfe, 2nd by Wintersteen to amend the agenda by adding Resolution #94-24 as New Business Item E. Voice vote. Motion carried unanimously.

**motion** M/M by Jones, 2nd by Trantham to approve the agenda as amended. Voice vote. Motion carried, 6-Yes, 1-No (Miller).

**motion** M/M by Miller to schedule New Business Item D-Executive Session at a special meeting at a future date. Motion died for lack of a second.

**V. MAYOR'S REPORT**

Mayor Chris appointed L.J. Davis to the Public Works Committee and Roger Rothschild to the Public Safety Committee.

**motion** M/M by Jones, 2nd by Miller to ratify the appointments to the committees. Voice vote. Motion carried unanimously.

Mayor Chris informed the Council of a teleconference on tourism on Wednesday, June 15, at AVCP, and encouraged Council members to attend.

**VII. MANAGER'S REPORT**

City Manager Hunter reviewed his written report with Council and requested direction on the following items:

**1. Electrical System Compliance**

City Manager Hunter informed Council that the Braund Building's electrical system was not in compliance with Code and the electric company will disconnect the building if it is not in compliance within thirty days. Mr. Hunter requested authorization to proceed with necessary actions to bring the building into compliance, adding that \$70,000 is in the current budget for this project.

**motion** M/M by Jones, 2nd by Miller to authorize the City Manager to proceed with the process to bring the electrical system into compliance. Voice vote. Motion carried unanimously.

**2. Authorization to Apply for Matching Funds**

City Manager Hunter explained that the City had the opportunity to apply for grant monies from Farmers Home Administration and Village Safe Water for a total of \$1,522,000 for water and sewer projects.

**motion** M/M by Wintersteen, 2nd by Jones to apply for the grant monies from FHA and Village Safe Water. Voice vote. Motion carried unanimously.

**3. Cooperative Extension Position Request**

City Manager Hunter requested Council direction for proceeding with the matter of incorporating the Youth Services Director and the Four-H Director into one position.

**motion** M/M by Miller, 2nd by Tubbs to direct the City Manager to work with Cooperative Extension and the Youth Services Director to develop a compromise on the matter. Voice vote. Motion carried unanimously.

**4. Disposal/Lease Lunch Wagon**

City Manager Hunter explained the need for clarification of Council's direction on this matter, referring to the motion passed by the Council at the previous meeting which approved a temporary use permit, not a lease, for

City property.

**motion** M/M by Wintersteen, 2nd by Jones to direct the City Manager to provide for a lease agreement with the owners of the lunch wagon. Voice vote. Motion carried unanimously.

**5. Transamerica Pension Plan**

**motion** M/M by Wintersteen, 2nd by Jones to accept Amendment #6 to close out the City's participation in the Transamerica Pension Plan annuity. Voice vote. Motion carried unanimously.

*Informational Items/Discussion/Questions on City Manager's Report:*

City Manager Hunter directed Council's attention to the item in his report regarding fees for the use of utility poles, and related his intent to look into franchise fees for the use of the City's rights-of-way.

In response to Council member Miller's request for warning lights to be placed near Kilbuck school, Mr. Hunter stated he would have the Acting Police Chief report back to Council at the next meeting.

Council member Jones congratulated Mr. Hunter on his election to the ICMA Board as a Vice-President.

**VIII. REPORTS OF STANDING COMMITTEES**

*Scheduled dates for upcoming Committee/Commission meetings were announced.*

Council member Metcalfe reported the Planning Commission had not met due to a lack of a quorum, and the meeting would be rescheduled.

Council member Wintersteen referred Council to the minutes of the Port Commission meeting in their packets.

Council member Tubbs referred Council to the recommendations of the Public Safety Committee in the minutes of the meeting in their packets.

**IX. OLD BUSINESS**

*Old Business Item A was heard at the beginning of the Agenda.*

**ITEM B: Public Hearing: Ordinance #94-13: An Ordinance Establishing a City of Bethel Budget for Fiscal Year 1994-95 Beginning July 1, 1994.**

Mayor Chris opened the Public Hearing on Ordinance #94-13.

Stuart Greydanus pointed out that the Council had approved the Port Attendant positions for five months and the budget listed the positions at four months in error. Mr. Greydanus also stated, for the record, that the Council had approved \$260,000 in Contractors Fees, which was reduced to \$184,000 in the budget to balance with revenues. Mr. Greydanus said he would request the difference be reinstated at the six month revision of the budget.

Tim Oosterman addressed the Council, reminding them that some positions had been cut from the budget and that they could ease the transition for the affected employees.

There being no one else who wished to speak, the Mayor closed the Public Hearing.

**motion** M/M by Jones, 2nd by Tubbs to amend Ordinance #94-13 by listing the Port Attendant positions as five month positions. Voice vote. Motion carried unanimously.

**motion** M/M by Jones, 2nd by Tubbs to approve Ordinance #94-13 as amended.

Council member Wintersteen informed Council that he was interested in providing \$10,000 to the Library to purchase new books at the six month budget review. Mayor Chris stated all requests from organizations would be reviewed at that time.

A discussion on revenue enhancements ensued with the Mayor placing the item on a future agenda for further discussion.

Council member Trantham pointed out that this budget is the Council's budget, adding that the proposed budget called for more equipment and less people, while the Council's budget reinstated some positions by cutting back on equipment.

**vote** Poll vote on the motion. Motion carried, 7-Yes, 0-No.

**ITEM C: Report on J.B. Crow Negotiations**

City Manager Hunter referred Council to his written report.

**motion** M/M by Jones, 2nd by Miller to convey the deed to Lot 4, Block 8, USS 3790 to Lucy Crow with no money changing hands.

Council member Trantham pointed out that the Council could not convey the deed to City property through a motion, but only through the land disposal process.

Motion and second withdrawn.

**motion** M/M by Jones, 2nd by Miller to start the process for the disposal of Lot 4, Block 8, USS 3790 to Lucy Crow. Poll vote. Motion carried, 7-Yes, 0-No.

**ITEM D: Resolution #94-21: A Resolution Superseding Resolution #93-04 Which Provided for the Re-establishment of Council Committees and Adoption of Committee Procedures Thereof.**

**motion** M/M by Jones, 2nd by Miller to approve Resolution #94-21

Mayor Chris referred to the Seniors' concerns regarding the Council representative voting on the committee. Council member Jones stated that the Council representative should have the same privileges on the Senior Services Committee as on other committees.

Council member Trantham pointed out the technical problem of the number of members on the Senior Advisory Board was the limit of the resolution, therefore, the Council representative could not vote until a vacancy occurred.

Council member Jones amended the motion by adding an effective date for the Senior Services Committee of December 15, 1994, or when a vacancy occurs, whichever occurs first. Council member Miller seconded.

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

*Council broke at 9:10 p.m. for a short recess. At 9:20 p.m., Mayor Chris called the meeting back to order.*

**X. NEW BUSINESS**

**ITEM A: Introduction of Ordinance #94-12S: An Ordinance Amending Chapter 13.08 of the Bethel Municipal Code to Require Subscription to Municipal Sewer Services**

*Approved under Consent Agenda*

**ITEM B: Gaming Permit Application(s)**

*Approved under Consent Agenda*

**ITEM C: Bid Award Disposal/Sale of Old Cutting Edge Building**

**motion** M/M by Jones, 2nd by Miller to accept the high bid of \$4100 for the old Cutting Edge building from Frank Mazzaro with the condition the building be removed within thirty days. Voice vote. Motion carried unanimously.

Council directed the City Clerk to continue to advertise and accept bids for the Bojangles building.

**ITEM D: Executive Session-Presentation by Concerned Citizen Committee**

Laura Wiseman stated the Committee was not prepared to change their presentation on short notice and requested it be deferred until a later date.

Council members Trantham and Jones both stated anyone who wished to testify would be heard in Executive Session at this time.

Mayor Chris stated she did not agree with a three minute time limit for those who wished to speak. Council member Wintersteen suggested a target time limit of ten minutes per speaker.

Council member Miller agreed, and asked if people who do not speak during the Executive Session would have the opportunity to address Council at a future date. Mayor Chris responded that the Council had the time to deal with the issue at this meeting. Council member Jones reminded Council that the item had been placed on the agenda at the Committee's request.

**motion** M/M by Metcalfe, 2nd by Jones to go into Executive Session for the purpose of hearing the presentation by the Concerned Citizens Committee. Voice vote. Motion carried unanimously.

**motion** M/M by Jones, 2nd by Tubbs to come out of Executive Session. Voice vote. Motion carried unanimously.

At this time, Mayor Chris made the following statement:

"We have provided the opportunity for the Concerned Citizens group to come before the Council during the Executive Session. Only two people came to Council to testify, one of whom testified. Therefore, from this time, we will accept written testimony only regarding this matter. The City Council supports their evaluation of the City Manager which was done in April."

June 14, 1994

**ITEM E: Resolution #94-24: A Resolution of the Bethel City Council Providing for the Issuance and Sale to the Farmers Home Administration of 1994 Series A Bonds in the Aggregate Principal Amount of \$1,000,000, the Approval of Terms and Conditions Set Forth in the Letter of Commitment and Related Matters.**

**motion** M/M by Jones, 2nd by Miller to approve Resolution #94-24. Voice vote. Motion carried unanimously.

**XI. COUNCIL MEMBER COMMENTS**

There were no Council member comments.

**XII. ADJOURNMENT**

**motion** M/M by Jones, 2nd by Wintersteen to adjourn the meeting at 11:00 p.m. Voice vote. Motion carried unanimously.

**PASSED AND APPROVED THIS 28TH DAY OF JUNE, 1994.**

  
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Donna J. Chris, Mayor

**ATTEST:**

  
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Connie Tucker, City Clerk