
City of Bethel, Alaska

City Council Minutes

February 9, 1999

Regular Meeting

Bethel, Alaska

CALL TO ORDER

The Regular Meeting of the Bethel City Council was held on February 9, 1999, at 6:30 p.m. in the Log Cabin, Bethel, Alaska. Vice-Mayor Mike O'Brien called the meeting to order at 6:36 p.m.

ROLL CALL

There were present:

Mayor Agnes Phillips (telephonically)	Vice-Mayor Mike O'Brien
Antone Anvil	Karol Pobrislo
Joerene Hout	Stanley "Tundy" Rodgers
Dario Notti	

comprising a quorum of the Council.

Also in attendance were:

Bob Herron, City Manager
Laurie Walters, Acting City Clerk

PEOPLE TO BE HEARD

Dave Trantham, thanked City Manager Bob Herron for working together with him noting that progress had been made. He then spoke concerning the Senior Center's need of a new bus, stating that they had received several grants to put towards the purchase, but there was still a shortage of \$8K. He stated that the seniors had met to discuss the shortfall and decided to circulate a letter to all local businesses requesting their support. He said that the City would follow-up with a thank you letter for their tax-deductible donation to those who contributed. Mr. Trantham urged all those at the meeting to consider making a donation of any amount.

Council Member Notti suggested the Senior Center contact various barge companies to inquire about donation of the shipping costs to Bethel.

Bob Medinger, approached the City Council with a request for a 50% reduction of the water and sewer utilities for the Bethel Alternative Boarding School, beginning December through the end of the school year. Mr. Medinger stated that last year's Senate Bill 36 reclassified the school, which caused a lose of \$120K originally marked for BABS. He noted that the school does contribute to the economy and that he appreciated the Council's consideration of the matter.

Council Member Notti stated that the Alternative Boarding School has long-term benefits, and that he would support Mr. Medinger's request for reduced utility services. City Manager Herron proposed that Mr. Medinger meet with the Finance Director and come up with a plan to bring

back to Council at the next meeting. Council Member Rodgers stressed the deteriorating condition of the City's budget and that the City Council would be setting a precedent if they were to approve such a request. Council Member Pobrislo disagreed, stating the BABS is extremely important to the community and that each request need to be looked at based on its own merits.

APPROVAL OF MINUTES

Corrections were noted to the minutes of January 27, 1999.

MOVED BY:	Pobrislo	To approve the minutes as corrected.
SECONDED BY:	Hout	

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

Mayor Phillips requested that New Business Item B be removed from the consent agenda. New Business Item C was also removed from the consent agenda at the request of Council Member Rodgers.

The remaining item on the consent agenda was:

Resolution #99-04: Certifying That The City Did Suffer Significant Effects During The Program Base Year From Fisheries Business Activities That Occurred Within The Lower Kuskokwim Fisheries Management Area (City Manager)

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

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

Mayor Phillips stated she had enjoyed speaking to the second graders about City government.

CITY MANAGER'S REPORT

City Manager Herron noted that department head reports were included in the council packets.

He noted that the City's negotiating team had met with the union representatives yesterday, February 8, at 10:00 am and were presented with the union's proposal, and that the Council would be discussing it later in Executive Session.

City Manager Herron pointed out that a draft ordinance relating to the use of laser pointers was included in the Council's packet.

He reminded the Council that he would be traveling to Dallas, Texas, February 10-16, to look at used water and sewer trucks the City may be interested in purchasing.

City Manager Herron requested permission from the Council for leave during the school's spring break, March 22-March 26, to vacation with his family.

MOVED BY:	Notti	To approve the City Manager's request for vacation leave, March 22-26.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion carried by unanimous consent.
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STANDING COMMITTEES

Port Commission

Council Member Rodgers stated that the Commission had not met since the last Council meeting, and that he had just been informed by the City Manager that the next Commission meeting was rescheduled for February 22.

Senior Citizens' Advisory Board

Council Member Anvil stated that the SCAB met on February 3 and had a good discussion on Ordinance #99-01. He noted that some seniors are not happy with the way the Senior Center is being run. The next meeting is scheduled for March 3.

Transportation Commission

Council Member Hout stated that she had nothing to report.

Parks & Recreation Committee

Council Member Pobrislo stated the Committee had not met since the last Council meeting. They plan to discuss issues relating to the 4th of July festivities at the next scheduled meeting on February 16.

Planning Commission

Council Member Notti stated the Planning Commission had not met since the last Council meeting. He noted that the Commission was scheduled to meet on February 11, at which time they would discuss several issues including platting of Venes Subdivision and variance for Maro Kargas.

Finance Committee

Mayor Phillips stated that the Finance Committee had met and was in strong unanimous opposition to Ordinance #99-01.

Public Safety Commission

Council Member O'Brien stated the Commission met on February 1 and that those minutes were in the packet. He noted that the Commission continued to work on the alcohol beverage delivery site, request that additional stop signs be placed at Watson's Corner and intersection at

Akekeek and Ridgecrest, and request the City to have sand trucks out before school, working drivers on a flex schedule if necessary.

Public Works Committee
No report was given.

OLD BUSINESS

Ordinance #99-01 Amending the Sales Tax Code to Provide an Exemption for Senior Citizens (City Manager and Finance Committee)

Vice-Mayor O'Brien called for public testimony.

Hal Jones, Finance Committee Chairman, spoke on behalf of the Finance Committee who were sympathetic to the seniors position on this matter, but insisted that the City could not afford to continue to draw down on the reserves, which have been largely depleted over the past few years. He stated that the City had looked at several different ways to raise revenues, but the message from the public was clear that there was little interest in raising sales tax to six or seven percent, nor was the option of going to a first class city acceptable. Other possibilities are the lease of the Braund Building after its renovation and possibly the liquor distribution site, but besides those few things, the Committee sees no new sources of revenue. He stated that this lack of funding necessitates cuts to the budget and programs, which is very unpopular. He reminded those in attendance that the City cannot continue to spend more money that they make. Mr. Jones stressed that the Finance Committee is not at all against the seniors, but the only option was to remove the exemptions. He said that in its current condition the City could not afford a major emergency, the money is just not there. His closing comment to the Council was that they not change any deletions of exemptions.

Several minutes of discussion followed regarding the estimated revenue of \$300K being lost by having the senior exemption in place, not counting the alleged abuses. Additional comments were made that state law prohibits the City from denying seniors from other village and around the state the City's senior exemption, because it is considered age discrimination.

Council Members Pobrislo and Notti voiced their interest in putting the exemption back in place for six months or so, and reviewing the numbers at that time to see if the estimates are on track. Council Member Rodgers stated that the City originally enacted the exemption to help the senior's of Bethel and it is now open to every senior in the Delta. Council Member Hout reminded the Council that all the money spent by the seniors adding to the improved living structure of Bethel. She said that history has shown that those who want to avoid sales tax always find a way.

Billy McGann, spoke in favor of the ordinance which reinstates the senior exemption. He suggested that the City find out just how many seniors there really are in the other villages who have an exemption, so that there are some real figures on how much money the City is talking about. He stated the City's not going after the bootleggers who are operating without a license. They are the ones making all the money.

Virginia Turner, stated that she was very upset to hear the comments made at tonight's meeting and almost wished that she hadn't come. She said that she couldn't imagine any

senior would continue to abuse the exemption after being told by a merchant that their purchases were inappropriate. Ms. Turner placed the blame back on the merchants for being willing to take the seniors money, but not say anything to them. She continued to stress that the seniors are on a limited income. They cannot just jump on a plane to go to Anchorage to buy their groceries at a savings, so they are forced to buy locally and to pay the 5% sales tax if there is no exemption.

Gladys Jung, pointed out that most of the seniors are widows and widowers, with just one person to a household. They need every bit of help they can get. She said she can't understand how the tax just from the seniors is going to rescue the City's finances.

Peter Jacobs Sr., told the Council that he was very glad for the senior tax exemption and that it was lots of help. He said that maybe it was better if other people paid more, but no tax for "old man and old woman".

Antone Anvil, stepped down from his council seat to speak in favor of the ordinance to reenact the senior exemption. Mr. Anvil held up several sheets of paper, indicating that there were over 100 signatures and stated that the seniors had collection signatures of those who favored a tax exemption for seniors. He said that the tax exemption had helped him since he didn't have a job or steady income to protect him. He voiced his support of the ordinance.

Gladys Jung interpreted for an elder who said that he used to pay taxes when he was a young elder, but even then there were times when his road didn't get "cleaned". He stated that Eskimo's don't have much money and really have a hard time when there is a death in the family.

Calvin Black, expressed his opinion that Eskimo people don't make a lot of fuss and bother, but things end up getting messed up. He said that things shouldn't be changed without asking them first.

Dave Trantham, questioned the Council about Section 50A of the ordinance in which there was reference to an application fee. He was told that it was an administrative fee of \$10.00. Mr. Trantham asked the Council if any of them had ever read the three grants for the Senior Center. He stated that some council members seemed confused about the full spectrum of funding for the Senior Center. He expressed his disagreement with comments made earlier in the meeting about the legal issues of restricting the exemption to Bethel residents only, and strongly suggested the City obtain legal advise on the issue. He noted that this proposed ordinance omitted any mention of alcohol, bingo, pull-tabs, and rippies not being exempted from taxes, and that it should have. Mr. Trantham recalled that the prior Finance Director had testified to the City Council that lowering the age for senior tax exemptions from 65 years of age to 60 would not be good down the line. He reviewed some numbers of seniors with exemptions, noting that some even live in other states. He questioned the dollar figures he had heard at the meeting, calling them "pure speculation". Mr. Trantham addressed the issue of the alleged abuse by the seniors stating that the seniors had asked to be provided with documentation of the abuses, but had never received any, making him question the validity of such statements. He stated that he would not protest the elimination of senior sales tax exemption if the City of Bethel would go collect taxes from bootleggers and other people who are operating a business without a license.

Gladys Jung interpreted for another elder who expressed that he was not happy to hear about the elimination of the senior tax exemption. He said he doesn't get much money monthly and is short money at the end of every month. He reminded the Council that things are not getting any cheaper and stated that it is very difficult when you are the only one making any money and still trying to raise a family.

The Council unanimously agreed to postpone any further discussion or action on the ordinance until the next regular scheduled meeting, allowing time to obtain the necessary legal advice.

Clerk's Note: Mayor Phillips was excused from her telephonic participation of the meeting at this time.

The Council recessed for a break at 9:05 p.m. and reconvened at 9:15 p.m.

NEW BUSINESS

Ordinance #99-02: Increasing the Minimum Mandatory Insurance for Taxicabs (Rodgers) (Referred to Transportation Comm.) (Public Hearing 02/23/99)

Council Member Rodgers pointed out an error in this ordinance, stating that in the original copy Section 2:110B did not read \$50,000/\$100,000, but rather \$500,000/\$1,000,000, and that should be corrected. He stressed that this proposal came out of his concern for the safety of passengers who ride in the taxicabs. He noted that sometimes you may have three or more members of one family in a vehicle and if an accident were to take place the current coverage is not enough. He pointed to the example of the City raising the insurance coverage requirements for hotels and bed & breakfasts in Bethel.

Council Member Hout questioned how readily available this type of coverage was. Council Member Rodgers responded that he had called his insurance company and found it is very available and that even those sitting at the Council table could get the amount of coverage being proposed.

Council Member Notti cautioned that the coverage proposed may be too high and be economically impossible. He expressed his desire to review some quotes on that type of insurance.

The Council noted that the issue had been referred to Transportation Commission and unanimously agreed to postpone any further discussion or action on Ordinance #99-02 until the Commission's recommendation is received.

Ordinance #99-03: Amending the Adopted Annual FY 1998-1999 Budget (City Manager) (Public Hearing 2/23/99)

Council Member Notti stated that Mayor Phillips had spoken with him and indicated a willingness to assist the senior with the \$8,000 shortfall, suggesting that if the seniors were to raise \$4,000 that the City would match it. City Manager Herron stated that money could come from the newly proposed account, 100-110-790, Special Events.

Finance Director Stuart Robinson was requested to reviewed several of the requested budget modifications. Mr. Robinson explained the purpose of the requests that resulted in a net change in the general fund, with the exception of the request from the City Clerk. Mr. Robinson indicated it may be best for the City Clerk to explain her own requests since he was not privileged to the justification for those requests.

City Manager Herron suggested that the City Clerk's budget modifications may be funded from the Special Events account, 100-110-790.

The Council agreed unanimously to postpone any further discussion on Ordinance #99-03 until the next regular meeting's public hearing, when the City Clerk would be available to answer questions.

Discussion Item—Draft Ordinance: Prohibiting Possession of Laser Pointers by Minors (City Manager)

City Manager Herron noted the draft ordinance prohibiting the possession of laser pointers by minors stating that they are becoming a hazard. Mr. Herron recommended that the Council refer it to the Public Safety Commission.

The Council unanimously agreed to refer the proposed ordinance relating to laser pointers to the Public Safety Commission for their review.

COUNCIL MEMBER COMMENTS

Council Member Hout stated she had just returned from Juneau and had met with Senator Lyman Hoffman, Representative Mary Kapsner, and City of Bethel Lobbyist, Paul Richards. She reported that the money situation in Juneau looks very grim for the upcoming year.

Council Member Pobrislo stated she would be traveling to Valdez with the cheerleaders for a cheerleading competition.

Council Members Notti, Anvil and Rodgers had no comments.

Vice Mayor O'Brien thanked Mr. Trantham and all of the seniors for their attendance and comments.

EXECUTIVE SESSION

The Council recessed for a break prior to an Executive Session at 9:40 p.m.

MOVED BY:	Anvil	To go into Executive Session to discuss APEA negotiations.
SECONDED BY:	Pobrislo	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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The Council meeting was reconvened at 10:43 p.m.

MOVED BY:	Rodgers	To adjourn the meeting.
SECONDED BY:	Pobrislo	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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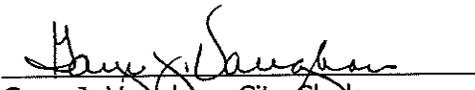
ADJOURNMENT

With no further business to come before the Council, the meeting adjourned at 10:44 p.m.

APPROVED THIS 23rd DAY OF FEBRUARY, 1999.

ATTEST:


Mike O'Brien, Vice-Mayor


Gaye J. Vaughan, City Clerk