

CITY COUNCIL

**Antone Anvil
Dario Notti
Mike O'Brien
Agnes Phillips, Mayor
Stanley Rodgers
Karol Sanchez-Pobrislo
Thor Williams**



**CITY MANAGER
Ken Weaver**

**CITY CLERK
L.J. Warren**

**City of Bethel
Regular Council Meeting Minutes
November 25, 1997**

I. CALL TO ORDER

The meeting was convened at 6:30 p.m. by Mayor Phillips at the City Offices, Bethel, Alaska.

II. ROLL CALL

Present: Anvil, Notti, O'Brien, Phillips, Rodgers, Sanchez-Pobrislo, Williams
Absent: none

Also present: City Manager Ken Weaver, City Clerk, and 9 members of the public.

III. PEOPLE TO BE HEARD

There were no people to be heard.

IV. APPROVAL OF MINUTES

Corrections were noted as follows: change "seawall fun" to "seawall fund" on page 3, change #97=55 to #97-55 on page 4, complete Mayor's comments on page 5, correct motion to adjourn - made by Notti, not by O'Brien, on page 5.

motion M/M by O'Brien, 2nd by Sanchez-Pobrislo to approve the minutes of the November 11 regular meeting, with corrections as noted.

vote Voice vote. Motion carried unanimously.

V. APPROVAL OF AGENDA

motion M/M by Anvil, 2nd by O'Brien to approve the agenda as presented.

vote Voice vote. Motion carried unanimously.

VI. MAYOR'S REPORT

Mayor Phillips reported that she attended the Junior ROTC presentation at the Cultural Center. She commended Julius Pleasant, Sr., the Director of the Senior Center, for the speech he had given at the recent education funding forum with state legislators. Mayor Phillips has also attended meetings of the Kuskokwim Coordinated Response Partnership.

Next, Mayor Phillips asked the City Clerk to read a proclamation recognizing December 1 as World AIDS Day. Mayor Phillips also noted that the PILT payment had been received from the State. Information about the John F. Kennedy "1998 Innovations in American Government" are available from the Clerk if any Council members are interested.

Council discussed the leave request from the City Clerk and the December meeting schedule.

motion M/M by Williams, 2nd by O'Brien to approve the City Clerk's leave request.

vote Voice vote. Motion carried unanimously.

motion M/M by Notti, 2nd by O'Brien to reschedule the December 23 regular Council meeting for Tuesday, December 30.

vote Voice vote. Motion carried unanimously.

VII. MANAGER'S REPORT

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

- Local Government Excellence Award - Mr. Weaver presented the plaque awarded to the City at the AML conference, for Local Government Excellence. The Award was made based on the City's implementation of a weekly video training program for Department Heads.
- Prison Expansion: Mr. Weaver reported on a meeting he had with Corrections Commissioner Margaret Pugh. A bill will be submitted this year to fund prison expansions, including work at the prison in Bethel.
- Courthouse & Braund Building Leases - In response to a question from Council member Williams, Mr. Weaver updated the Council on his meetings with State personnel. To procure funding for the Braund Building renovation, the City needs a long-term lease commitment from the Court System.
- UST Remediation - In response to a question from Council member Rodgers, Mr. Weaver noted that the project is complete.
- Gravel and Ice Road Bids - Noting that detailed information about both bids was included in the packet, Mr. Weaver recommended award of the Gravel Bid to Knik Construction and award of the Ice Road Maintenance to O'Brien-Construction.

motion M/M by O'Brien, 2nd by Williams to award the gravel bid to Knik Construction for the amount of \$55.00/cy River Run and \$65.00/cy crushed rock.

Council member Notti asked permission to abstain from voting based on his temporary employment with Knik Construction. Permission was granted by Mayor Phillips.

vote Voice vote. Motion carried, 6-Yes, 1-Abstention (Notti)

motion M/M by O'Brien, 2nd by Williams to award the ice road maintenance bid to O'Brien Construction for the amount of \$6,434.42 per 83.3 mile trip.

Council member Sanchez-Pobrislo asked how many trips the City anticipated for ice road maintenance. City Manager Weaver noted that, while the number of trips is dependent upon weather conditions, a total of \$25,000 has been budgeted.

vote Voice vote. Motion carried unanimously.

- City Manager resignation - Mr. Weaver, noting health and personal reasons, tendered his resignation to the Council. The resignation is effective March 31, 1998. Mr. Weaver thanked the Council for the opportunity to have worked with them during the past 2-1/2 years.

VIII. REPORTS OF STANDING COMMITTEES and COMMISSIONS

The Clerk read the following recommendations for the record:

- The Transportation Commission recommends adoption of Ordinance #97-32, Motor Vehicle Registration Fees. (See New Business Item H)
- The Public Works Committee recommends *against* adoption of Ordinance #97-32, Motor Vehicle Registration Fees. (See New Business Item H)

Finance Committee: Mayor Phillips reported that the Committee met on November 13. Dave Trantham also attended the meeting as a citizen, and recommended that the City attempt to collect sales taxes from convicted bootleggers. Mayor Phillips noted that she believes the Committee's review of the City's sales tax ordinance is taking too long, and that many members of the committee have an opposite goal of the City's goal to collect more revenues.

Planning Commission: Council member Notti reported that the Commission had all seven members in attendance at the last meeting, and reviewed the minutes of the meeting.

Port Commission: Council member Rodgers reported that the Commission will meet on 12-15-97.

Public Works Committee: Council member O'Brien reported that Chairman Davis has resigned. The Committee discussed Ordinance #97-32. They agreed in principle, but felt it unfairly targeted commercial vehicles, and increased fees far too much. They would support a lower increase, for all vehicles, not just commercial. The Committee also discussed private sewage hauling, and were unanimously opposed to allowing any private sewage hauling, except for the existing service provided by Mr. Irvin Kreider. The Committee did feel that Mr. Kreider's rates should be increased.

Public Safety Commission: Council member Anvil noted that the Public Safety Commission is scheduled to meet on December 1. Hopefully they will have a quorum.

Transportation Commission: Council member Williams asked Commission Chair Doreen O'Brien to give the report. Ms. O'Brien reported on the Commission's activities, noting that they had a special meeting on November 17 to review Ordinance #97-32. Ms. O'Brien discussed one Commission member in particular, David O'Malley, and stated that due to his disruptive nature, the other Commissioners would like him removed. Mr. O'Malley has created havoc on the Commission, has verbally attacked other Commissioners and members of the public, and presents a potential legal liability to the City. Several other Council members noted that they had seen examples of Mr. O'Malley's behavior at Council meetings, and agreed with Ms. O'Brien's request.

motion M/M by Rodgers, 2nd by Sanchez-Pobrislo to remove Mr. O'Malley from the Transportation Commission.

Council member Notti stated that it would be more fair to give Mr. O'Malley the opportunity to defend himself to the Council, before voting. The Clerk noted that she had informed Mr. O'Malley that a request to remove him would be made at the meeting, and had expected him to attend.

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

Senior Advisory Board: Council member Anvil reported that the next SAB meeting will be held on December 10th.

Youth Services Committee: Council member Sanchez-Pobrislo reviewed the minutes of the last meeting with the Council.

IX. OLD BUSINESS

Item A: Public Hearing, Ordinance #97-22, Lodging Business Fee (Phillips)

Mayor Phillips opened the Public Hearing. Ms. Millie Bentley, owner of Bentley's Porter House Bed & Breakfast, noted that she was speaking on her own behalf, and also for Diane Carpenter, owner of the Pacifica Guest House, and Grant and Debbie Fairbanks, the owners of Brown's Slough B&B. Mr. Bentley stated that she felt the fee was a discriminatory tax, and was not allowed by Title 29 of the Alaska Statutes. She asked to review the information from the City attorney that stated this was a legal tax. Seeing and hearing no one else to be heard, Mayor Phillips closed the Public Hearing.

motion M/M by Williams, 2nd by O'Brien to adopt Ordinance #97-22.

vote Roll call vote. Motion carried, unanimously.

Item B: Public Hearing, Ordinance #97-28, Adoption of Comprehensive Plan (Weaver)

Mayor Phillips opened the Public Hearing. Seeing and hearing no one to be heard, Mayor Phillips closed the Public Hearing.

motion M/M by Williams, 2nd by Notti to adopt Ordinance #97-28.

vote Roll call vote. Motion carried, unanimously.

Item C: Discussion/Review - City Web Site (O'Brien)

The City Clerk gave a demonstration of the City web site she has designed. The Council approved the initial design, and made several suggestions and comments. The Council agreed that the site as constructed could be transmitted to the Chamber of Commerce for installation on their server.

Item D: Investigative Powers of Public Safety Commission (Rodgers)

Council member Rodgers stated that he was in favor of allowing the Public Safety Commission (PSC) to review complaints against the Police Department. Council member Notti agreed. Council member Williams noted that the current ordinance allows the PSC to hear and review complaints, but does not specifically grant them investigative powers. A lengthy discussion followed.

Wally Richardson was recognized by Mayor Phillips and noted that many years ago, a non-political Citizen Review Committee, formed by the Police Chief, met only as needed to discuss complaints and problems. The Council discussed this idea, noting that the Public Safety Commission is already in place and could perform the function; however, they are political appointees.

In general, Council agreed that there needs to be some mechanism in place for objective reviews of complaints against the Department. City Manager Weaver noted that the due process rights of the Police Officers must be upheld. Chief Eilers agreed in concept with a review committee, but noted that complaints must be signed in order to be considered legitimate.

motion M/M by Notti, 2nd by O'Brien to direct the City Manager to review the previous administration's Citizen Review Committee, and begin developing a plan for a new, non-political Citizen Review Committee, such plan to include a list of pros and cons.

Council member Sanchez-Pobrislo stated that the motion would require a great deal of redundant work, work that could potentially be accomplished by the Public Safety Commission.

vote Voice vote. Motion carried, 6-Yes, 1-No (Sanchez-Pobrislo)

E. Discussion - Financial Statements (Williams)

Council member Williams remarked that he was pleased with the Financial Statements distributed by the Finance Director, and appreciated the Finance Department's efforts. Mayor Phillips agreed, noting that the reports distributed were more clear than those distributed several meetings ago. Acting Finance Director Celeste Kanli asked the Council if there was any further information they needed. Council member Williams stated that he would like to see a breakdown of unexpected revenues, such as the PILT payment. Council member O'Brien noted that, due to the fish crisis, the State would return a greater portion of the fish tax to the City than they have in previous years.

motion M/M by Notti, 2nd by Anvil to suspend the rules of procedure to allow Mr. David O'Malley, who had just arrived at the meeting, to address the Council.

vote Voice vote. Motion carried, unanimously.

Mr. O'Malley spoke to the Council with regards to his removal from the Transportation Commission. Having reviewed a copy of Doreen O'Brien's comments, Mr. O'Malley stated that he disagreed with everything she had said, as well as everything the Commission had discussed. Mr. O'Malley stated that he was unprepared to defend himself, because he had not been notified that an attempt to remove him would be made. He would like the Council to take another vote. Mayor Phillips reminded Mr. O'Malley to keep his comments and disagreements respectful of others present, and noted that the City Clerk had indicated that she had informed Mr. O'Malley that an attempt to remove him from the Commission would be made at this meeting.

X. NEW BUSINESS

Item A: Resolution #97-56, Support BRSSPC Funding Requests (Phillips)

Mayor Phillips noted that, as a member of the BRSSPC, she would abstain from voting on the Resolution. She briefly described the efforts of the group. Council member O'Brien pointed out that the BRSSPC works very hard, making their own lobbying trips to Juneau.

motion M/M by O'Brien, 2nd by Williams to adopt Resolution #97-56.

vote Voice vote. Motion carried, 6-Yes, 1-Abstention (Phillips)

motion M/M by Williams, 2nd by O'Brien to suspend the rules of procedure, move New Business Item D (Resolution #97-58) to New Business Item B, and re-number the remaining New Business Items.

vote Voice vote. Motion carried, unanimously.

Item B: Resolution #97-58, BNC Small Boat Harbor Conveyance (Weaver)

Mayor Phillips, recognizing the BNC representatives in attendance, asked if any of them wished to address the Council. BNC Chairman Mike Shantz read a letter from President Marc Stemp, who was out of town. The letter expressed BNC's desire for the City to finalize the 14(c)3 process. BNC Land Chairman Glen Watson agreed, and urged the Council to adopt not only the Resolution in front of them, but at the next Council meeting, a Resolution to finalize and close the 14(c)3 process. Council member O'Brien asked for a clarification - that after the process was closed, the City would no longer be able to make land selections. Sharon McClintock, of McClintock Land Associates, confirmed that once finalized, no further conveyances would be made. The City would have to

purchase any additional BNC lands that it desired. BNC Vice Chair Wally Richardson reminded the Council that the process needs to be finalized as soon as possible, so that the BLM can come to Bethel and perform the final survey - at no charge to the City.

motion M/M by O'Brien, 2nd by Williams to adopt Resolution #97-58.

vote Roll call vote. Motion carried, unanimously.

Item C: Utility Billing Issues (Notti)

Council member Notti expressed his wish for the City to install a utility drop box at the AC grocery store. This would allow customers to conveniently drop their payments off during their daily trip to the adjacent Post Office. Discussion followed. Paul Schmidt, Customer Service Supervisor in the Finance Department, expressed security concerns, and noted that the City currently has a drop box at the City office, which is used very little. Council member Sanchez-Pobrislo noted that people could mail their payments while they are at the Post Office, rather than making extra trips to the City office or AC store. Council member O'Brien suggested that the City make an attempt to advertise the fact that we have a drop box, see if use increases, and then re-visit this issue.

Item D: Resolution #97-57, Honoring Loddie Jones (Phillips)

motion M/M by Williams, 2nd by Rodgers to adopt Resolution #97-57.

Council member Williams requested that Ms. Jones name be entered as a nominee for the Mayor's Community Service award. Council member Notti noted that the award is for outstanding volunteer services, not services rendered as a paid employee.

vote Voice vote. Motion carried, unanimously.

Item E: Introduction of Ordinance #97-29, Council Rules of Procedure (Williams)

motion M/M by Williams, 2nd by O'Brien to introduce Ordinance #97-29.

motion S/M by Sanchez-Pobrislo, 2nd by Williams, to amend Section 2.04.140(A), to schedule the swearing in and election of Mayor for the first regular Council meeting after the Certification meeting.

vote Voice vote. Motion carried, unanimously.

motion S/M by Williams, 2nd by Sanchez-Pobrislo, to amend Section 2.04.050, to insert "Manager's Report" between Mayor's Report and Reports of Standing Committees.

vote Voice vote. Motion carried, unanimously.

vote Voice vote on Main Motion, as amended. Motion carried, unanimously.

Item F: Introduction of Ordinance #97-30, Classification Plan (Weaver)

motion M/M by Williams, 2nd by Rodgers to introduce Ordinance #97-30.

vote Voice vote. Motion carried, unanimously.

Item G: Introduction of Ordinance #97-31, Amending the FY98 Budget (Weaver)

motion M/M by Williams, 2nd by O'Brien to introduce Ordinance #97-31.

vote Voice vote. Motion carried, unanimously.

Item H: Introduction of Ordinance #97-32, Motor Vehicle Registration Fees (Williams)

motion M/M by Williams, 2nd by O'Brien to introduce Ordinance #97-32.

Council member Notti objected to the fee increases in the ordinance. Council member O'Brien agreed, but also noted that Alaska motor vehicle registration fees are about the lowest in the country. Mr. O'Brien also stated that he believes the City needs more revenues, but that the burden shouldn't be placed only on operators of commercial vehicles. This would make them even less competitive with outside construction firms. Council member Williams acknowledged the concerns of the Council, but noted that the ordinance must be adopted by the end of 1997 in order to take effect in 1999. David O'Malley was recognized by the Mayor, and stated his opposition to the ordinance.

motion S/M by Williams, 2nd by O'Brien, to amend the ordinance by specifying a 25% increase across the board for all vehicles, not just commercial vehicles.

vote Voice vote. Motion carried, unanimously.

vote Voice vote on Main Motion, as amended. Motion carried, unanimously.

motion M/M by Rodgers, 2nd by Sanchez-Pobrislo, to have an ordinance drafted which enacts a sticker-based road use fee for out-of-town vehicles.

vote Voice vote. Motion carried, unanimously.

motion M/M by Williams, 2nd by O'Brien, to suspend the rules and continue past 10:00 p.m.

vote Voice vote. Motion carried, unanimously.

XII. EXECUTIVE SESSION

motion M/M by O'Brien, 2nd by Rodgers, to go into Executive Session to discuss Police Department response to specific complaints, and Preston Gates & Ellis Waiver of Conflict in BIA vs. City of Bethel.

vote Voice vote. Motion carried, unanimously.

motion M/M by Notti, 2nd by O'Brien to come out of Executive Session at 10:40 p.m.

vote Voice vote. Motion carried, unanimously.

XIII. ADJOURNMENT

motion M/M by Rodgers, 2nd by O'Brien to adjourn the meeting at 10:40 p.m.

vote Voice vote. Motion carried, unanimously.

PASSED AND APPROVED THIS 9TH DAY OF DECEMBER, 1997.

ATTEST:


L.J. Warren, City Clerk


Agnes L. Phillips, Mayor