
City of Bethel, Alaska

City Council Minutes

December 14, 2004

Regular Meeting

Bethel, Alaska

CALL TO ORDER

A regular meeting of the Bethel City Council was held on December 14, 2004, at 6:30 p.m., in the Council Chambers, Bethel, Alaska.

Mayor Dymont called the meeting to order at 6:31 p.m.

ROLL CALL

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

Andy McGowan	Dave Trantham
Hugh Dymont	R. Thor Williams (8:01)
Stanley "Tundy" Rodgers	Yolanda Jorgensen
Dan Leinberger	

Also in attendance were the following:

Robert Herron, City Manager (8:01)
Laurie Walters, Acting City Clerk

Mayor Dymont announced that City Manager Herron and Council Member Williams had gotten stuck in Aniak and should be arriving to the meeting sometime between 8:00 – 8:30 pm.

PEOPLE TO BE HEARD

1. Mike O'Brien
 - Public Works Director position – suggested hiring someone to manage people and assets
 - Cautioned the City Council about the lack of public notice for the last meeting
 - Spoke about letter from AML in the Mayor's report and highly recommended Council reply and send response to legislative offices as well as AML
2. Pamela Bumpstad
 - Asked the City Council to consider exempting the Moravian Book Store from commercial garbage charge as part of Ordinance 04-28
 - Asked the City Council if any progress had been made regarding her concerns about the City's Oath of Office. Mayor Dymont indicated he would personally inform her of what he found out

APPROVAL OF MINUTES

MOVED BY:	Leinberger	To approve the minutes of the November 30, 2004, special meeting.
SECONDED BY:	McGowan	

VOTE ON MOTION	Motion carried by unanimous voice vote 6-0.	
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MOVED BY:	Leinberger	To approve the minutes of the November 30, 2004, regular meeting as amended.
SECONDED BY:	McGowan	

Pg. 10 of the 12/14/04 packet – under Manager’s Report: Court House Expansion add “Kit Duke presented various scenarios regarding Court House expansion project.

VOTE ON MOTION	Motion carried by unanimous voice vote 6-0.	
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APPROVAL OF CONSENT AND REGULAR AGENDA

MOVED BY:	Trantham	To approve agenda for December 14, 2004 Regular Meeting as amended.
SECONDED BY:	McGowan	

Council Member Trantham requested that Unfinished Business: Item B be removed from the agenda because Finance Committee did not review it and make a recommendation to Council.

VOTE ON MOTION	Motion failed by a roll call vote of 3-3 (Dyment, Jorgensen, Leinberger).	
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MOVED BY:	Leinberger	To approve agenda for December 14, 2004 Regular Meeting as presented.
SECONDED BY:	Jorgensen	

VOTE ON MOTION	Motion carried by unanimous roll call vote of 6-0.	
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MAYOR’S REPORT

- Referenced the grants report in the Management Team Reports and noted the success of the Grants Manager
- Noted his surprise at the comment in the Planning Office Management Report with regard to the Court System requesting the City curtail the issuance of honeybucket citations
- Appointment of Mark Springer to the Public Safety & Transportation Commission

MOVED BY:	Rodgers	To confirm nomination of Mark Springer to the Public Safety & Transportation Commission.
SECONDED BY:	McGowan	

VOTE ON MOTION	Motion carried by unanimous voice vote 6-0.	
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- Newsletter from the Governor
- Letter from Gary Morrison, Director of the State of Alaska’s Division of Parks and Outdoor Recreations regarding Letter of Interest-Snowmobile Trail Advisory Committee
- Letter from AML encouraging communities to submit letters to the Administration and Legislature strongly supporting Municipal Revenue Sharing.
Mayor Dyment asked if anyone on Council would like to volunteer to draft a letter on behalf of the City Council supporting a community dividend. Council Member Leinberger volunteered.
- Letter from State of Alaska Department of Environmental Conservation indicating a payment was made to the Bethel Water and Sewer Improvement Project.

MOVED BY:	Trantham	To suspend the rules to have the City Manager deliver his Manager’s Report upon his arrival.
SECONDED BY:	Leinberger	

VOTE ON MOTION	Motion carried by unanimous voice vote 6-0.
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CLERK'S REPORT

- City Newsletter was distributed on December 7
- Posting public notices at the Post Office
- Terms expiring on committees and commissions
- City Clerk is on leave

Several Council members indicated they wished to have the City continue posting public notices at the Post Office despite the changes. Council Member McGowan suggested City Administration enter into a written dialog with the Post Office to see if the situation can be resolved. Council concurred.

MOVED BY:	Leinberger	To suspend the rules to have the Management Team Reports given when the City Manager and Council Member Williams arrive.
SECONDED BY:	Trantham	

VOTE ON MOTION	Motion carried by unanimous voice vote 6-0.
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MANAGER'S REPORT

Postponed until after Unfinished Business: Item C

REPORTS OF STANDING COMMITTEES

Parks and Recreation Committee – Council Member Jorgensen reported that the Parks and Recreation Committee did not have a quorum on November 16, 2004. The next meeting is scheduled for December 21.

Public Works Committee – Council Member Leinberger reported he was not in attendance for the last two meetings due to out-of-town travel. The focus of the last two meetings was finalizing changes to the 65% submittal of the Water & Sewer Master Plan. Next meeting is December 21.

Finance Committee – Council Member McGowan reported that the Finance Committee did not meet since the last Council meeting.

Public Safety and Transportation Commission – Mayor Dyment reported the PSTC did not have a quorum, but there were people who came to speak to the Commission so they listened to those comments. A presentation was given by Animal Control Officer Gary Watson recommending the City discontinue using animal tag and begins implanting microchips instead.

Senior Advisory Board – Council Member Trantham reported that the Senior Advisory Board met on December 14, 2004 at 10:30 AM. Christmas dinner for the seniors is scheduled for Friday December 17. SAB asked the Senior Service Director to send thank you letters from those community organizations, businesses and individuals who made donations to the senior center. Council Member Trantham briefed the SAB on most recent meeting with ONC about the transfer of the Senior Center. Council Member Trantham also noted the Senior Center received some grant money to build public notice posting boxes to use around town. Concluded by mentioning the SAB would like the Council to think about how to fund the \$100,000 shortfall ONC forecasts.

Planning Commission – Council Member Rodgers reported that the December 9th Planning Commission meeting had a very active discussion as a result of the donut hole agenda item and the public comments. Several other items were discussed as well. Council Member Rodgers expressed his concern about the Conflict of Interest that appears to be a problem on both the sides (BNC and City) with more than just himself. He recommended that rather than wasting legal fees money on tonight's executive session it be postponed until BNC meets later in the week.

Port Commission - Council Member Williams had not yet arrived.

MOVED BY:	Rodgers	To allow for an 8 minute break at 7:33.
SECONDED BY:	Leinberger	

VOTE ON MOTION	Motion passed with Council concurrence.
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Mayor Dyment called the meeting back to order at 7:45 p.m.

UNFINISHED BUSINESS

Item A – Public Hearing of Ordinance #04-27: An Ordinance amending section 4.16.190 of the Bethel Municipal Code, to remove the total sales tax penalty for a single month from shall not exceed one thousand five hundred dollars to removal of the one thousand five hundred dollars monthly cap.

MOVED BY:	Leinberger	To adopt Ordinance 04-27.
SECONDED BY:	McGowan	

VOTE ON MOTION	Motion passed unanimously 6-0.
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(Note: City Manager Herron and Council Member Williams arrived at 8:01 p.m.)

Item B – Introduction of Ordinance #04-28: An ordinance amending section 13.16.010 of the Bethel Municipal Code to remove churches from a monthly flat rate of \$45.00 to a residential service rate with a flat rate of \$12.00.

Agenda Item B was passed under the consent agenda.

Item C – Public Hearing of Ordinance # 04-29: An Ordinance amending section 4.04.020 and 4.04.025 Bethel Municipal Code regarding the Budget Estimate Preparation and the Fees and Charges Revenue Estimate Preparation

MOVED BY:	McGowan	To adopt Ordinance 04-29.
SECONDED BY:	Rodgers	

MOVED BY:	Trantham	To amend Ordinance 04-29 by changing the proposed date of February 1 st to March 15 th in both places under section 2.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion failed 2-5 (No – Dyment, Jorgensen, Williams, Rodgers, McGowan)
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MOVED BY:	McGowan	To amend Ordinance 04-29 by changing the proposed effective date in section 3 to July 1, 2005.
SECONDED BY:	Leinberger	

VOTE ON MOTION	Motion passed 5-2 (No – Williams, Trantham).
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VOTE ON MOTION	Motion passed 5-2 (No – Williams, Trantham).
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MOVED BY:	Rodgers	To direct City Administration to gather information, including that from other communities, as to the benefits of changing from a fiscal year to a calendar year and place a discussion item on the agenda after the information has been collected.
SECONDED BY:	Leinberger	

VOTE ON MOTION	Motion passed unanimously 6-1 (No – Williams).
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MANAGER'S REPORT

- Bethel Group Home Property
- Lot between Napa and Longhouse
- Main Lift Station
- Port Authority Issue – City Manager Herron and Council Member Williams reported on their meeting in Aniak held earlier in the day.
- Personnel Matters
- City Manager Travel Status
- Readiness Center – has been in communication with LTC. Craig Schreiber. City and National Guard will work together to seek reimbursement funds from State and Fed. Project is not in jeopardy.
- Ptarmigan Road ROW Acquisitions
- Ptarmigan Road Alternative 4
- Employee Utility Benefit
- ONC's application for Indian Community Block Grant
- Landfill Closure Cost information
- Proposed sources to fund lobbyist contract

MOVED BY:	Williams	Direct City Administration to prepare a budget modification ordinance for the next meeting using the City Manager's proposed funding sources.
SECONDED BY:	Rodgers	

MOVED BY:	Trantham	To limit use of Port funds to pay for lobbyist services to a maximum of \$2,000, using excess salaries in other departments as a possibility for the other \$5,000.
SECONDED BY:	Jorgensen	

VOTE ON MOTION	Motion failed 3-4 (No – Dyment, Williams, Rodgers, McGowan).
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VOTE ON MOTION	Motion passed unanimously 6-1 (No – Jorgensen).
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- Received a letter from a citizen
- Disaster Assistance Notification

MOVED BY:	Rodgers	To suspend the rules to go past 10:00 p.m.
SECONDED BY:	Trantham	

VOTE ON MOTION	Motion passed unanimously 7-0.
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MOVED BY:	Rodgers	To allow for an 12 minute break at 9:48 p.m.
SECONDED BY:	Leinberger	

VOTE ON MOTION	Motion passed with Council concurrence.
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Mayor Dyment called the meeting back to order at 10:00 p.m.

MOVED BY:	Rodgers	To suspend the rules to go to New Business: Item C and then into executive session.
SECONDED BY:	Trantham	

VOTE ON MOTION	Motion passed unanimously 7-0.
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NEW BUSINESS

Item A – Introduction of Ordinance #04-30: An Ordinance authorizing the City Council to dispose of an approximate 1,700 S/F Portion of Tract B1, Resubdivided Block 9, City Subdivision, US Survey 3770, NW Addition to the Bethel Townsite to Irene and Joseph Venes Jr. as property no longer necessary for municipal purposes

Item A passed and set for public hearing on January 11 under consent agenda.

Item B – Resolution #04-53: A Resolution authorizing disposal of certain removable buildings from City property in accordance with Section 4.10.020.A.3 of the Bethel Municipal Code

Items B was addressed after Executive Session.

Item C – Discussion of the establishment of a utility commission

MOVED BY:	Trantham	To direct the Public Works Committee to draft an ordinance to establish a Utility Commission.
SECONDED BY:	Rodgers	

Council Member Trantham recommended the draft ordinance be returned to Council no later than March 1, 2005 with an effective date of July 1, 2004.

MOVED BY:	Williams	To change Utility Commission to Utility Board.
SECONDED BY:	No second	

VOTE ON MOTION	Motion died for lack of a second
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Public Works Committee member Mike O'Brien provided the Council with history on this issue and the Public Works Committee's perspective on the need to establish a body independent of the Public Works Committee to establish utility rates.

MOVED BY:	Leinberger	To amend the original motion to read "Direct the Public Works Committee to draft an ordinance to establish a Public Works Commission".
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion passed 5-2 (No – Jorgensen, Williams).
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VOTE ON MOTION	Motion passed 5-2 (No – Jorgensen, Williams).
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EXECUTIVE SESSION

MOVED BY:	Jorgensen	To go into Executive Session to receive legal advice from and discuss legal strategy with the City Attorney about the issues and arguments in the TACAN Litigation, for the City Attorney to advise and make recommendation regarding the settlement proposal from Bethel Native Corporation regarding the TACAN Litigation, and to seek advice from and provide direction to the City Attorney regarding the next steps to be taken in the TACAN Litigation, and related matters.
SECONDED BY:	Leinberger	

VOTE ON MOTION	Motion passed 5-1 (No – Trantham, Abstain – Rodgers)
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Council Member Rodgers left the Council Chambers at 10:52, when the City Council moved into Executive Session.

City Council came out of Executive Session at 12:15 a.m.

MOVED BY:	Leinberger	To select the City Manager and the Mayor to meet with BNC regarding TACAN litigation.
SECONDED BY:	Williams	

VOTE ON MOTION	Motion passed unanimously 6-0.
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MOVED BY:	Leinberger	To postpone and place on next agenda New Business Items D, E, F, G, H.
SECONDED BY:	Williams	

MOVED BY:	Williams	To remove New Business Item F from the items postponed.
SECONDED BY:	McGowan	

VOTE ON MOTION	Motion passed unanimously 6-0.
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VOTE ON MOTION	Motion passed unanimously 6-0.
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Council returned to NEW BUSINESS

NEW BUSINESS

Item B – Resolution #04-53: A Resolution authorizing disposal of certain removable buildings from City property in accordance with Section 4.10.020.A.3 of the Bethel Municipal Code

MOVED BY:	McGowan	To adopt Resolution 04-53.
SECONDED BY:	Leinberger	

VOTE ON MOTION	Motion passed unanimously 6-0.
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COUNCIL MEMBER COMMENTS

Council Member Rodgers –

Council Member Trantham – Had no comments.

Council Member Williams – Had no comments.

Council Member Jorgensen – Had no comments.

Council Member Leinberger – Had no comments.

Council Member McGowan – Had no comments.

Council Member Dymont – Had no comments

ADJOURNMENT

MOVED BY:	Leinberger	To adjourn the meeting.
SECONDED BY:	Jorgensen	

VOTE ON MOTION	Motion carried by unanimous voice vote 6-0.
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With no further business before the Council, the meeting was adjourned at 12: a.m.

APPROVED THIS 14th DAY OF DECEMBER, 2004.

ATTEST:

Hugh Dymont, Mayor

Selena Malone, City Clerk