

City of Bethel, Alaska

City Council Minutes

August 14, 2001

Regular Meeting

Bethel, Alaska

CALL TO ORDER

A regular meeting of the Bethel City Council was held on August 14, 2001, at 6:30 p.m. in the Council chambers, Bethel, Alaska.

Mayor Rodgers called the meeting to order at 6:34 p.m.

ROLL CALL

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

Jerry Drake	Stanley "Tundy" Rodgers
Agnes Phillips	Dario Notti
Karol Pobrislo	Carl Berger
Thor Williams	

Also in attendance were the following:

Robert Herron, City Manager
Colleen Soberay, City Clerk

MOVED BY:	Williams	To suspend the rules and move on to approval of the minutes
SECONDED BY:	Pobrislo	

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

MOVED BY:	Drake	To approve the minutes of the July 24, 2001 regular meeting
SECONDED BY:	Notti	

**Corrections noted by the city clerk*

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

MOVED BY:	Drake	To approve the regular agenda and consent agenda after removing new business item G from the consent agenda and adding a new business discussion item H: public Laundromat conditions
SECONDED BY:	Phillips	

Consent agenda: Resolution #01-25 and Resolution #01-26

VOTE ON MOTION	Motion carried by unanimous voice vote.
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MOVED BY:	Phillips	To suspend the rules and return back to people to be heard on the agenda
SECONDED BY:	Pobrislo	
VOTE ON MOTION	Motion carried by unanimous voice vote.	

PEOPLE TO BE HEARD

Anthony Kayoley, Bethel resident, spoke to council about two issues—condition of the public Laundromat and Bethel sandpits. He said the condition of the Laundromat is despicable. He explained the conditions to council. He asked council if there were any provisions in the transfer of Laundromat ownership that would require the current owners to uphold higher standards. Mr. Kayoley asked if there are any provisions or permitting requirements in the community plan in regard to dust control at City sandpits. He also asked the possibility of relocating sandpits so that they are away from residential areas.

Yolonda Jorgensen, manager and part owner of Northern Lights restaurant, spoke to council about Ordinance #01-17 that prohibits businesses from offering plastic shopping bags. She said she didn't feel enough notice was given for an ordinance of this nature. She said she is against this ordinance. Ms. Jorgensen gave a visual presentation of the difference between businesses using plastic bags vs. paper bags. She talked about the storage difference and cost difference (\$37.20 for 400 count paper bags, including shipping vs. \$25 for 1000 count plastic bags, including shipping). She explained plastic bags are easier to carry, especially walking in bad weather. She reiterated she is against this ordinance and that council did not allow for enough public input. Ms. Jorgensen said business owners shouldn't absorb all of the cost and that cost will eventually be passed on to customers. She said she didn't know about this ordinance and that council should have put it to a public vote.

MAYOR'S REPORT

The Mayor's Report included the following:

- Governor's Talking Points for the week of July 23 and 30, 2001
- Letter from DOT — *Re:* Deferred maintenance and transfer of state harbor facilities to local control and ownership
- Letter from U.S. General Services Administration — *Re:* Notice of Surplus Determination: Bethel Army Advisor Housing
- Letter from Department of Community and Economic Development — *Re:* FY02 State Revenue Sharing payment
- Letter from EPA — *Re:* Letter from EPA Administrator Christine Whitman thanking the City for its warm reception during her recent visit to Bethel
- Briefing update on the Alaska Gas line Port Authority
- News Release from YKHC— *Re:* Seeking Empowerment Zone status for the region
- Decision Notice — *Re:* Lower Kuskokwim Regional Education Attendance Area School Board Reapportionment

- News Release from Alaska Housing — *Re: AHFC Finance \$103.8 million in rental housing in FY01*
- Mayor Rodgers asked for a motion to ratify the appointment of Thor Williams to city council

MOVED BY:	Drake	To ratify the appointment of Thor Williams to city council for the remainder of Mike O'Brien's term
SECONDED BY:	Phillips	

VOTE ON MOTION	Motion carried by voice vote 6-0 (Williams abstained)
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- Removal of Mary Kenick from the Planning Commission for missing more than three meetings unexcused as set forth in the BMC and requested a motion to appoint Clarence Albright to the Planning Commission to fill the vacant seat.

Mayor Rodgers also commented that Joan Hamilton left the Planning Commission meeting during a discussion and before the meeting was adjourned. He said technically the meeting is still opened and Ms. Hamilton's behavior was inexcusable and she should be removed from the Commission. City manager Herron explained parliamentary procedure in that if someone leaves a meeting early and there are not enough members to maintain a quorum, the meeting automatically ends. City manager Herron also said he agrees Ms. Kenick should be removed, but does not agree Ms. Hamilton should be removed for leaving the meeting as she did. Discussion briefly ensued.

MOVED BY:	Phillips	To declare Mary Kenick's seat on the Planning Commission vacant and appoint Clarence (Tim) Albright to fill Ms. Kenick's seat on the Planning Commission
SECONDED BY:	Drake	

VOTE ON MOTION	Motion carried by voice vote 7-0
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MANAGEMENT TEAM'S REPORT

City Manager Herron, noted the management reports included in Council packets and reviewed the following items with Council:

- Empowerment Zone — City manager asked city clerk, Colleen Soberay, to join the Empowerment Zone grant efforts and participate in the meetings.
- Winter preparation for the City

The City Clerk, Colleen Soberay, reviewed the following items with council:

- Grant writing for the City — City clerk explained the need for a grant writer and that the primary focus would to secure grant funds for a new police department. Gave a brief overview the plan that would include hiring someone part-time to cover some of the easier, but time consuming tasks of the office.

Council member Drake said council should encourage the city clerk in this effort and allow the city clerk to hire someone to work in the office to cover some administrative duties.

Council member Williams said many people in the community said the city should be more proactive in its grant writing objectives. He said the city should use someone's talent to gain

money for the city in lieu of using those same talents to answer telephones, for example. He said it's a good use of the city clerk's talents and a well use of time to write grants for the city.

City manager Herron asked council to direct administration to prepare a budget modification and a justification to be introduced at the next council meeting for council's approval. Council so directed.

REPORTS OF STANDING COMMITTEES

Senior Advisory Board

Council member Berger said the SAB is planning to meet in late August, but has not met yet.

Parks and Recreation Committee

Council member Pobrislo said the committee is scheduled to meet August 15 and reviewed the agenda.

Planning Commission

Council member Notti said the commission met August 9. He said the commission discussed subdividing Tract 5-C and discussed floatplane operations in the City.

Port Commission

Mayor Rodgers said the commission has not met since the last meeting, but is scheduled to meet August 20. Mayor Rodgers reviewed the Port Director's manager's report. He also asked the public not to disturb the life rings along the seawall.

Public Works Committee

Council member Drake said the committee has not met since the last meeting, but is scheduled to meet August 21 at 12 p.m. Mr. Drake reviewed the agenda.

Public Safety and Transportation Commission

Council member Williams said the commission met August 13 and the main issues discussed were in regard to the taxicab industry—written test, drug test and driving test. Mr. Williams said there was a lot of debate about the written test and that the main concern is that the test is only given in English. He reported that the commission gave the Transportation Inspector authority to subpoena the requested financial information from the taxicab industry.

Finance Committee

Council member Phillips said the committee met July 26. Ms. Phillips reviewed the minutes from the July 26 meeting.

UNFINISHED BUSINESS

Item A — Public Hearing — Discussion: City-owned property, Tract 5-C

Mayor Rodgers opened the public hearing. With no one to speak to this issue, Mayor Rodgers closed the public hearing.

Council member Phillips said at the last council meeting council was informed by BNC that the City should not use Tract 5-C for private use, and asked if the Agreement allows for easements for right of way or is this something council will need to consider in the future.

Item B — Public Hearing — Ordinance #01-29: Amending Chapter 4.15 of the BMC to increase the rate of levy of the motor vehicle registration tax

Mayor Rodgers opened the public hearing.

Mike Shantz, Bethel resident, asked if the proposed 20 percent motor vehicle registration tax increase would be earmarked for dust control and road maintenance or does the additional revenue be put in the general fund.

City manager Herron explained, as a second-class city, Bethel cannot earmark funds, but politicians can promise they will appropriate revenue for a particular reason.

Mr. Shantz said it seems like increases are more frequent lately and that since this ordinance wouldn't take place for another two years, it isn't a good idea since council can't guarantee the increase in revenue will be used for road improvements. He asked council to think about what he said before voting on this proposed increase.

MOVED BY:	Drake	To adopt Ordinance #01-29
SECONDED BY:	Phillips	

Council member Williams said he is not in favor of Ordinance #01-29. He said at this time he would like to get the taxicab sales tax issue under control before the city starts charging all vehicles more fees.

Council member Berger said he has reservations about supporting this ordinance especially since the increased revenue could not be dedicated. Council member Berger asked the city manager how the city could politically dedicate the funds. City manager Herron explained money cannot be earmarked, but council can remember during budget season to appropriate funds. Council member Notti said council cannot commit future councils.

Council member Pobrislo asked for clarification on the effective date of the ordinance in that it wouldn't take effect until 2003. She said she wouldn't support this ordinance at this time, but believes it will come back to council. She said if it comes back to council with more supporting information she could consider supporting an increase. City manager Herron explained state law in regard to increasing motor vehicle registration tax.

Council member Drake said council should remember when they did the budget and the city needed more money. He said as a result, the City had to dip into the savings for capital funds. Discussion ensued.

VOTE ON MOTION	Motion failed by a roll-call vote 3-4 (Berger, Pobrislo, Rodgers and Williams).
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NEW BUSINESS

Item A — Introduction — Ordinance #01-31: An ordinance authorizing a public easement and a maintenance agreement for the agreement for the Pinky's park boardwalk facility

MOVED BY:	Drake	To introduce Ordinance #01-31
SECONDED BY:	Notti	

Moved by: Williams — To move to amend the main motion by providing for a public hearing August 17, 2001 at a special council meeting

Seconded By: Pobrislo

City manager Herron gave a brief description of the boardwalk and public easement. He said he supports the introduction of Ordinance #01-31 and recommends its passage at the public hearing.

Vote on motion: Motion carried by unanimous voice vote

VOTE ON MOTION	Motion, as amended, carried by unanimous voice vote
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Item B — Planning Commission Resolution #01-04: A resolution to Council recommending reserving 10 acres west of City Subdivision as the future site of Yuut Elitnaurviate/People's Learning Center

Council member Notti read Planning Commission Resolution#01-04. Council member Drake said he appreciates the work of the Commission. He also said the property in question has only been briefly discussed with the People's Learning Center, but no real plans were ever discussed with council. He said council doesn't know where in that 300 acres the location of the 10 acres for the People's Learning Center.

MOVED BY:	Drake	To discuss Planning Commission Resolution #01-04
SECONDED BY:	Notti	

City manager Herron asked that council appoint a volunteer committee of at least one council member, city planner and others involved in the People's Learning Center to actually designate a site out of those 300 acres. He explained Senator Ted Steven's has an appropriation in the works and USDA has committed \$3 million to the project, while other funding sources are forming quickly. City manager Herron said he agrees with Council member Drake that the 10 acres should be selected for a possible site.

Moved by: Phillips — To appoint a committee as suggested by the city manager and appoint Council member Notti to that committee

Seconded By: Notti

Vote on motion: Motion carried by unanimous voice vote

VOTE ON MOTION	Motion carried by unanimous voice vote
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Council member Notti asked if Council should adopt or move to approve the Commission's resolution. City manager Herron said Planning Commission's resolution was crafted very carefully and that basically the City would simply reserve 10 acres. He explained the resolution doesn't

have full strength of the city council; rather council would endorse the Commission's idea of reserving 10 acres. Discussion briefly ensued.

Item C — Discussion Item: Possible purchase of Post Office Annex

City manager Herron explained the Notice of Availability of Excess Real Property and the procedure to purchase the Annex. He said the price is \$690,000 and is not negotiable, the City has until September 4 to enter into a contract, the City does not have first refusal, and a deposit of 10 percent is required. City manager Herron said it will cost about \$80,000 just to look at purchasing the Annex.

Council member Notti asked if this is really where the City wants the police station or does the City want the police station closer to the court complex.

Council member Drake said it's a lot of money for something that is basically going to be stripped out and started from scratch on, especially if it's \$80,000 just to look at it.

City manager Herron briefly discussed the cost of purchasing the Annex and renovating for the purposes of a police station. He said from one point it has potential, but with legalities involved it has some problems. Council member Drake said there is a buried fuel tank on the property. Council member Williams said since the Annex is away from the center of town, it's not an ideal location. He also said he has a conflict with purchasing the Annex because of his involvement with Yup'ik Emergence. Council member Phillips said she is in favor of finding funding for a new police station. Discussion ensued.

MOVED BY:	Berger	To direct the city manager to further research the purchase of the Post Office Annex for the purpose of a police station and put this issue on the next council meeting agenda
SECONDED BY:	Drake	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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Item D — Discussion Item: Floatplane operations in the City

Council member Notti said floatplane operations are important to the community. He explained the concern brought to the Planning Commission in that the noise caused by the floatplanes are disturbing residents of Hanger Lake Subdivision. He asked for council's ideas and if council supports floatplane operations or is there support to limit operations to one landing and one take-off per day on Hanger Lake. Council member Notti said the City should develop a long-range plan on this issue.

Council member Pobrislo asked how long the floatplanes have been operating. She said perhaps a compromise could be made on the hours of operation, but doesn't think that the City could restrict floatplane operations.

Council member Drake said with expansion of subdivisions around the City, he expected debate on this issue. He said floatplanes have been in operation for many years and said the City should nip this in the bud. Council member Drake said aviation in general is vital to the community.

Council member Berger said floatplane operations are important to the community and help with economic development. He said perhaps limits to the hours of operations could be of help, but said he doesn't think floatplanes should be banned.

Council member Williams said the City doesn't have the funding ability to deal with this issue right now. He understands the complaints, but hopes the residents and floatplane operators can work together to compromise.

Council member Pobrislo suggested council send this to each committee and commission to brainstorm and make recommendations and suggested the Planning Commission build this into the Comprehensive Plan. Discussion ensued.

Council agreed to send this issue to the Port Commission and Public Safety & Transportation Commission for review and recommendations.

Item E — Resolution #01-25: Supporting the Bethel Fire Department in seeking grant monies for firefighting equipment

Resolution #01-25 passed under the consent agenda.

Item F — Resolution #01-26: Approving acceptance of grant monies for Bethel Fire Department firefighting equipment

Resolution #01-26 passed under the consent agenda.

Item G — Public Safety & Transportation Commission Promulgation of Regulations

MOVED BY:	Drake	To approve PSTC's promulgation of regulations
SECONDED BY:	Williams	

Council member Pobrislo clarified the difference between the code of regulations effective date for regulations and the BMC's effective date for regulations. She said her concern is that PSTC regulations effective date should be consistent with the BMC and that Council should have that opportunity to reject proposed regulations. She suggested that the effective date in Section 1.01.020, A.7 read as it does in the BMC, in which regulations are effective after the third council meeting.

City manager Herron said council has given the Commission authority to regulate under specific chapters of the BMC and said if council does not want the PSTC to have that authority, council could change that. He said to resolve the conflict brought up by Council member Pobrislo, council could change Section 1.01.020, A.7 of the PSTC promulgation of regulations.

Chief Pettit briefly explained PSTC's authority and need to regulate, such as regulations to administer and enforce the BMC. Discussion briefly ensued.

Moved by: Drake — To amend Section 1.01.020, A.7 of the promulgation of regulations to replace "regulations" with "BMC," and delete "or in the motion adopting them."

Seconded By: Williams

Vote on motion: Motion carried by unanimous voice vote

Moved by: Williams — To call the question

Seconded By: Drake

Vote on motion: Motion failed by a roll-call vote of 3-4 (Pobrislo, Notti, Rodgers, Phillips)
Discussion briefly ensued.

VOTE ON MOTION	Motion, as amended, carried by roll-call vote of 5-2 (Notti, Rodgers)
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MOVED BY:	Phillips	To suspend the rules and allow Carl Powers to address item D: Floatplane operations
SECONDED BY:	Pobrislo	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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Carl Powers, co-owner of Ptarmigan Air, explained the reason Hanger Lake is needed for floatplane operations. He said Ptarmigan Air does not off-load on Hanger Lake. He also explained he has been more than willing to discuss hours of operation with the residents of Hanger Lake Subdivision and that no one has approached him to discuss or even complain about the noise. Mr. Powers reiterated Ptarmigan Air is willing to work with those residents on hours of operation.

Council member Pobrislo suggested Mr. Powers be involved with the discussion to take place with the Port and Public Safety & Transportation Commissions. Council and Mr. Powers agreed.

Item H — Discussion Item: Condition of the public Laundromat

Council member Berger said he agrees with Mr. Kayoley's comments about the Laundromat and that Mr. Kayoley deserves a response. He asked if council could direct administration to review the lease for the Laundromat to determine if there are any provisions to make the facility better responsive to the needs of the community. City manager Herron said he would provide council with information at the next council meeting.

COUNCIL MEMBER COMMENTS

Council Member Berger said he recently compared grocery prices in Bethel with Kotzebue and was surprised that prices are higher in Bethel and that the stores where he compared prices were the same company. He explained he wrote a letter to the Bethel store manager asking for justification, but has not yet received a response. He encouraged people to ask the stores what's going on because it doesn't seem right. Mr. Berger said if he gets a response from AC Value, he'd share that response at the next council meeting.

Council Member Pobrislo wished her niece Sunny Hooper happy birthday.

Council Member Drake said several citizens have approached him about funeral processions in that the processions are broken up because of traffic. He asked that if there is time and personnel available, could an officer stop traffic to allow for a funeral procession to proceed to the cemetery. He reiterated, not as a priority, but only if something could be done to help. City manager Herron said he and the city clerk would work on a solution for this issue.

Council Member Rodgers thanked the many people who assisted with the situation behind his house. He said the fire and police departments did an excellent job.

Council Member Notti congratulated AVCP on a well-done conference and congratulated Mr. Lake.

Council Member Williams said he appreciates the discussions on floatplane operations. Mr. Williams brought up litter in that there is a lot of litter on the roads. He said as a community we tend to set a blind eye to litter, but should take notice. He also encouraged people not to drink and boat.

Council Member Phillips said the public could learn more about the Empowerment Zone efforts at www.ykhc.org.

EXECUTIVE SESSION

MOVED BY:	Drake	To go into executive session to discuss a financial and city clerk's annual evaluation.
SECONDED BY:	Williams	

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

MOVED BY:	Williams	To suspend the rules and allow the meeting to continue past 10 p.m.
SECONDED BY:	Phillips	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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MOVED BY:	Pobrislo	To give the city clerk a 5 percent salary increase
SECONDED BY:	Williams	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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ADJOURNMENT

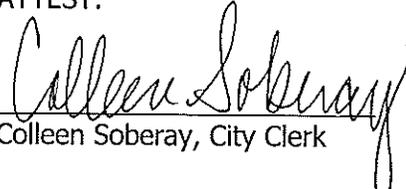
MOVED BY:	Williams	To adjourn the meeting.
SECONDED BY:	Drake	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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With no further business before the Council, the meeting adjourned at 10:05 p.m.

APPROVED THIS 28th DAY OF AUGUST 2001.

ATTEST:


Colleen Soberay, City Clerk


Stanley "Tundy" Rodgers, Mayor