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# City of Bethel, Alaska

## City Council Minutes

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September 28, 1999

Regular Meeting

Bethel, Alaska

### CALL TO ORDER

The Regular Meeting of the Bethel City Council was held on September 28, 1999, at 6:30 p.m. in the Lions Club, Bethel, Alaska. Mayor Agnes Phillips called the meeting to order at 6:32 p.m.

### ROLL CALL

There were present:

Mayor Agnes Phillips  
Antone Anvil  
Joerene Hout

Dario Notti  
Karol Pobrislo  
Stanley "Tundy" Rodgers

comprising a quorum of the Council.

Absent:

Mike O'Brien (Excused)

Also in attendance were:

Bob Herron, City Manager  
Gaye Vaughan, City Clerk

### PEOPLE TO BE HEARD

*David Trantham*, said he felt that council members have a responsibility to assure that all people of Bethel are treated equally. He felt the upcoming election would serve as an evaluation for council members. He thanked Antone Anvil for his time served on Council.

Mr. Trantham went on to voice his concerns with the RFP for the Owl Street Park. He said this is the worse time of year to have sand put down. He spoke about the level of the permafrost and the slope of the land, and noted that the contractor who gets the contract will surely ask for change orders. He said change orders is where contractors make their money. He addressed further problems with the RFP.

He expressed his concerns about fairness to all members of the community and special considerations being given to the rich, powerful and prestigious. He added that poor people don't seem to get the same breaks.

*Brian Glasheen*, the "Can Man" with Bethel Recycling, stated that Bethel Recycling has been in Bethel for about 20 years run by volunteers. He felt the future of Bethel Recycling is vague and haphazard. He would like to know more about the relocation of recycling center before a move is made. He did not feel that the bulldozer should be housed in the recycling building. He also expressed his concern over the "wasting" of a satellite dish which had been donated to Bethel Recycling. He further reported on the amount of recyclable material which had been sent out this summer. He also noted that ten tons of cardboard had been used to produce heat for the recycling center thus saving thousands of dollars in fuel costs.

## APPROVAL OF MINUTES

<b>MOVED BY:</b>	Pobrislo	To approve the minutes of the special meeting of September 1, 1999.
<b>SECONDED BY:</b>	Hout	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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The minutes of the regular meeting of August 24, 1999, were not included in the Council Members' packets and will be on the next agenda for approval.

## APPROVAL OF AGENDA AND CONSENT AGENDA

At the request of council members, Resolutions #99-21 and 24 and Ordinance #99-25 were removed from the consent agenda.

City Manager Herron requested an Executive Session be held on a financial matter and also a matter dealing with personnel.

Copies having been made available to the public, Mayor Phillips noted by title only the resolutions and ordinances on the Consent Agenda.

***Resolution #99-20: Requesting Distribution from the FY00 Payment in Lieu of Taxes Program (City Manager Herron)***

***Resolution #99-22: Requesting Capital Funding Through The State Of Alaska Village Safe Water Program – Sewage Lagoon and Solid Waste Facility Study (City Manager Herron)***

***Resolution #99-23: Requesting Capital Funding Through The State Of Alaska Village Safe Water Program – Stage 2 Improvements to the City Subdivision Water and Sewer Project (City Manager Herron)***

***Ordinance #99-21: Amending Chapter 3.029, Classification Plan, by Adding a Motor Vehicle Clerk (City Manager Herron) (Public Hearing Oct. 12, 1999)***

***Ordinance #99-22: Amending BMC 13.08.160(B), Requiring all Sewage Holding Tanks to be Equipped with a Camlock and Changing the Effective Date (City Manager) (Public Hearing October 12, 1999)***

***Ordinance #99-23: Amending the Adopted Annual FY 1999-2000 Budget by Appropriating \$15,000 for the Down Payment of a Boiler for the Laundromat (City Manager) (Public Hearing October 12, 1999)***

***Ordinance #99-24: Amending BMC Chapter 4.16, Sales Tax, By Adding An Exemption For Non-Profit Organizations Receiving State Shared Revenue And An Exemption On Rent For The Residents Of Bethel Community Services (Council Member O'Brien) (Public Hearing October 12, 1999)***

***Approval of Election Workers for October 5, 1999 Regular Election***

<b>MOVED BY:</b>	Pobrislo	To approve the agenda and consent agenda as amended.
<b>SECONDED BY:</b>	Notti	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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## MAYOR'S REPORT

Mayor Phillips announced the following:

- The Mayor hoped everyone had good luck with their hunting. She noted that four 9<sup>th</sup> grade students stopped by and helped her family cut up their moose. She was very grateful for their assistance and noted how nice it was to see young people like these.
- She thanked Council Member Anvil for his time served on the Council
- Mayor Phillips noted that Alaska Municipal League would be held in Soldotna/Kenai November 6-10 and that the Clerk needed to know how many would be attending.
- Without objection, the Mayor appointed Cliff Brumels to the Parks & Recreation Committee for a term expiring December 31, 2001.
- Bruce Perry, Sr. Fire Captain, was present to receive a proclamation for Fire Prevention Week, October 3-9, 1999.
- The Mayor noted receipt of a LKSD Board resolution in support of an alcohol delivery site in Bethel.
- She pointed out the Governor's "Talking Points" and letters from Representative Mary Kapsner.
- Mayor Phillips noted that AML was seeking nominations for Municipal Official, Employee and Outstanding Contribution and that there were two vacancies on the Investment Pool Board of Directors.
- A letter from the Dept. of Community and Economic Development has set the population of Bethel at 5,471.
- State revenue sharing in the amount of \$178,955 was received and has been disbursed to the local organizations.
- October 6 is National "Walk our Children to School Day"
- Letters were received from the International Association of Fish and Wildlife Agencies and former Kodiak Island Borough Mayor Jerome Selby regarding the Conservation and Reinvestment Act of 1999. The Mayor noted that the Council had adopted a resolution supporting H.R. 701 and S. 25.
- A letter was received regarding the Western Alaska Fisheries Disaster.

City Manager Herron noted that the city has a good track record with the fisheries disaster money and will seek more.

- A letter was received from HUD regarding a new comprehensive plan.

## MANAGER'S REPORT

City Manager Herron relayed the following information:

- Department head reports were included in the packets.
- The new grader was received. A specialist will come to Bethel to train city employees.
- The new water truck was also received on the same barge.

- The City's reserve balance was estimated at an earlier meeting to be about \$3.5 million. The auditors predict it is closer to \$3.9 million as of June 30, 1999.
- There was no objection from Council to the laundromat reducing its operating hours until the new boiler is installed.

Council Member Pobrislo asked when the laundromat would be in full service again, to which City Manager Herron responded that it would be at least the end of October.

- There are at least 2600 stops each week for water and sewer truck drivers. The City Manager noted that there have been no applications for drivers since early August.

Council Member Rodgers inquired about the average wage of the drivers, to which City Manager Herron responded that entry level is about \$32,000/year and can go to \$40,000 in a few years. He added that in a few years, the city will have to offer \$40,000-\$50,000 in order to attract drivers. He went on to say it is hard work done mostly by young men with families. During the hunting season, many of the drivers who live a Native subsistence lifestyle want time off.

Council Member Anvil asked about Front Street being re-paved. City Manager Herron said that was a state project and the state still expects to do it this year.

Mr. Anvil proceeded to ask about other road projects and noted that good roads in Anchorage are being torn up and resurfaced while bush roads are not paved at all.

Mayor Phillips pointed out a list of road projects in John Malone's report.

Council Member Pobrislo stated the Port accounting system was very well done and sent kudos to those responsible for it.

Council Member Rodgers stated he was happy with the condition of the roads considering the amount of money the Council put into the budget.

In response to concerns voiced earlier by Mr. Trantham, City Manager Herron stated the money was a block grant from the state and no sales tax money was being used in the Owl Street Park project.

Council Member Rodgers asked if there was a follow-up on the recycling move, to which City Manager Herron responded that the bids would be opened the following day for a used metal building. He will continue to work with Mr. Glasheen. The Recycling center will not be closed, however, once the Braund Building renovation is completed, cardboard and paper cannot be used as a heat source in the center. The acid in the smoke will get into the new air system at the Braund Building.

#### **REPORTS OF STANDING COMMITTEES**

Mayor Phillips noted there are vacancies on the Parks and Recreation, Transportation, Port and Public Works Commissions/Committees.

City Clerk Vaughan noted that there was a change in the meeting date for the Transportation Commission. They would now be meeting on the 2<sup>nd</sup> Thursday of the month. She also noted there was a conflict in meeting locations and would get back to the Council about the location for the Transportation Commission meeting.

*Port Commission*

Council Member Rodgers reported on the Port Commission announcing that the security camera are now installed on the city dock and are working very well. Camera will be installed at the boat harbor in the spring. He noted that the bullrail has been started and looks good. He pointed out the port financial pages included in the Council packets.

*Senior Citizens' Advisory Board*

Council Member Anvil stated the Senior Advisory Board met on September 8. The Senior Center has a new cook, Paul Fox, who is doing a good job. Tim Miller and Yun Lee have resigned and left the center. There have been many donations of moose, caribou and fresh vegetables. They had a work session on this date to discuss the elder/youth conference to be held November 8-12.

*Finance Committee*

Mayor Phillips announced that the Finance Committee will be on October 14.

*Planning Commission*

Council Member Notti stated the Planning Commission did not have a meeting in September.

*Parks & Recreation Committee*

Council Member Pobrislo said the Parks & Recreation Committee met on September 7. They discussed the need for older teens to come to the Youth Center and feel comfortable. They would like to have a designated teen seat on the Committee. There was also a discussion on outside the school activities for elementary school kids.

*Transportation Commission*

Council Member Hout report on the Transportation Commission by noting that all cabs were supposed to have been inspected by September 10 but only one company sent their cabs to the Police Dept. for inspection.

**OLD BUSINESS**

***Ordinance #99-18: Authorizing The Disposal Of Lot 15, US Survey 4117 To The State Of Alaska, Department Of Natural Resources For A New Alaska National Guard Readiness Center, Maintenance Facility And Memorial Park (City Manager)***

Mayor Phillips called for public comment on Ordinance #99-15. There being no one who wished to speak, she closed the public comment period.

Council Member Notti would like to see an accompanying resolution with this ordinance concerning a swimming pool.

City Manager Herron stated he had visited Senator Stevens about the pool. Senator Stevens indicated it would be difficult to include the pool. The Senator said he would try to get it in at a later time. The feeling was to keep this ordinance as clean as possible for now.

<b>MOVED BY:</b>	Rodgers	To enact Ordinance # 99-18.
<b>SECONDED BY:</b>	Hout	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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ANVIL Yes	HOUT Yes	NOTTI Yes	O'BRIEN Absent
PHILLIPS Yes	RODGERS Yes	SANCHEZ-POBRISLO Yes	6 YES 0 NO

**Letter from Myron Angstman regarding Ordinance #99-16, Authorizing The Disposal Of An Interest In Land No Longer Necessary For Municipal Purposes (Defeated, August 24, 1999)**

City Manager Herron stated that Mr. Angstman had not known this item was on the last agenda. In his letter, Mr. Angstman asked the Council to reconsider it.

<b>MOVED BY:</b>	Notti	To rescind previous action on Ordinance #99-16.
<b>SECONDED BY:</b>	Rodgers	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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ANVIL Yes	HOUT Yes	NOTTI Yes	O'BRIEN Absent
PHILLIPS Yes	RODGERS Yes	SANCHEZ-POBRISLO Yes	6 YES 0 NO

City Clerk Vaughan noted that the main motion was now on the floor.

<b>MOVED BY:</b>	Pobrislo	To postpone Ordinance #99-16 until the next meeting.
<b>SECONDED BY:</b>	Notti	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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**Memorandum from City Attorney Louann Cutler regarding Firearms Destruction**

Council Member Notti said his concern was not so much about the firearms destroyed, but rather the firearms to be sold and could not be offered to local dealers. He felt local dealers should be allowed to bid on them.

Police Chief Pettit stated he had held up the sale of the firearms waiting for direction from the Council. Generally firearms are sold as a lot. Some of the guns in the current lot cannot be owned by private citizens. He added that there are only two dealers in the state who have a Class 3 license and can purchase these firearms. The police department received only three bid from dealers in the lower 48 and two of those bidders have since withdrawn.

Council Member Notti asked if the sporting guns could be separated from the police/military guns and sold separately, to which Chief Pettit stated that if the lot were to be separated, the revenue from the sale would go into the City's general fund rather than the police fund.

**NEW BUSINESS**

**Resolution #99-21: Accepting A State Grant In The Amount Of \$45,000 For School Resource Officer Project (City Manager Herron)**

Council Member Notti stated he had spoken with students and other people. Many of them do not want an armed officer in the school. Having an officer in the school would not stop what happened almost three years ago. He said the incident that took place recently in Ketchikan could have resulted in a tragic accident if an officer were on the scene. (A student had a pistol-looking water gun at school.) He wondered if an officer could give information about a student to the school; information which, due to the age of the student, is sealed by the courts. He would rather see the money spend for another counselor in the school. He added that his daughter's clothes were blood stained in the February 1997 shooting and she still has nightmares about it.

Council Member Pobrislo said some students ask like they own the school and are very disruptive. A resource officer would not be there to arrest, but to assist. Some students balked at having a security guard on the campus, but now they don't have a problem with him being there. This officer would also be at Kilbuck and ME Schools. Students need to see and become familiar with officers in good times, not just the bad.

Chief Pettitt stated that 95% of the contact people make with the Police Dept. are in a negative manner. The School Resource Officer is an opportunity for an officer to come into the schools and get to know the kids in a safe setting.

Council Member Pobrislo asked if the Chief would hire a female officer, to which he replied that he would love to have female officers on his force. He noted that the officers would rotate being the SRO.

Mayor Phillips stated, as a parent, that she agreed with Mr. Notti. She said many children were afraid to go to school after the 1997 shooting.

Council Member Hout spoke in favor of the resolution. She doesn't want to see the burden taken off the teachers. She'd like to see teachers get more aggressive. She stated that the country has gone overboard on what is abuse and parents should be able to parent.

<b>MOVED BY:</b>	Pobrislo	To adopt Resolution #99-21.
<b>SECONDED BY:</b>	Hout	

<b>VOTE ON MOTION</b>	Motion carried by a vote of 5 yes, 1 no.
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ANVIL Yes	HOUT Yes	NOTTI Yes	O'BRIEN Absent
PHILLIPS Yes	RODGERS No	SANCHEZ-POBRISLO Yes	5 YES 1 NO

**Resolution #99-24: Accepting A U.S. Department Of Justice Grant In The Amount Of \$250,000 For C.O.P.S. Universal Hiring Program (City Manager Herron)**

Council Member Notti asked if this grant would give the city three officers in the schools.

Council Member Rodgers felt government has taken it all away from the parents and given it to the police with the parents paying the bill.

Chief Pettitt spoke about the increased vandalism which is occurring because parents are not instilling discipline in their children. He said the two officers to be hired with this grant would augment the department and allow him to send officers to training. Currently if two officers are gone, it is one-quarter of his staff. He mentioned that many officers wanted time off to hunt. The Chief agreed with Council Member Rodgers that parents and schools have no control over the students. The police cannot arrest an incorrigible student and the parents cannot control him. The police are not trying to usurp the parents' authority, but rather trying to get the authority back.

<b>MOVED BY:</b>	Pobrislo	To adopt Resolution #99-24.
<b>SECONDED BY:</b>	Hout	

<b>VOTE ON MOTION</b>	Motion carried by a vote of 4 yes, 2 no.
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ANVIL Yes	HOUT Yes	NOTTI No	O'BRIEN Absent
PHILLIPS Yes	RODGERS No	SANCHEZ-POBRISLO Yes	4 YES 2 NO

**Ordinance #99-25: Amending BMC 2.52.040, Relating To City Employees Serving On Committees, Commissions And Boards (Mayor Phillips)**

Council Member Pobrislo asked if this ordinance would also apply to the Parks & Recreation Committee where an employee currently serves on the Committee.

City Clerk Vaughan replied that it was because of that employee and another in the same department wishing to sit on the Committee that this was brought to the Council. The Council had discussed this prior to the ordinance being brought to them.

Council Member Rodgers said that employees should not serve on the committee or commission dealing with that employee's department, but should be able to serve on other committees or commissions.

<b>MOVED BY:</b>	Rodgers	To set Ordinance #99-25 for public hearing on October 12.
<b>SECONDED BY:</b>	Anvil	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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**Letter from Council Member Pobrislo regarding Chain of Command**

Council Member Pobrislo related the incidents of Labor Day weekend leading up to her memo. She said that a citizen had called her and reported that she had not received sewer evacuation services and that her tank was overflowing. Ms. Pobrislo then tried to call the City Manager and the Acting City Manager, and finally called the City Clerk. Many phone calls later, Mr. Oosterman agreed to get a sewer truck and do the evacuation.

A discussion ensued about weekend coverage of the Public Works Dept.

Council Member Notti stated that council members have no power or authority individually. They only have authority as part of a body.

Without objection from the Council, Mayor Phillips allowed Mr. Trantham to address the Council.

*David Trantham*, stated that he received his water on Monday, which was about 48 hours late. He did not realize he was out of water until it was too late. Now he has to purchase a new water pump.

On a different subject, Mr. Trantham stated that the citizens expect the city to spend grant funds as prudently as it does the sales tax money.

**COUNCIL MEMBER COMMENTS**

Council Member Hout announced that camlocks have been installed on her properties.

Council Member Pobrislo thanked Mr. Anvil for his time served on the Council and agreed with him about the roads in Bethel. She noted that people cannot live without the Public Works department and that she was in favor of trying to increase wages. She said if public works is running well, the city is running well. She added that along with increased wages, would be increased expectations.

Council Member Notti said he would like to discuss human relations training for all city employees who have contact with the public. He wanted Chief Petitt to know he was not being picked on and he was proud of the job the Chief was doing. He expressed his condolences to the Simon family.

Mayor Phillips stated she spent two weeks camping with her family and she appreciates life in Bethel and the opportunity it provides. She said she had been humbled by the four students who had jumped in to help with their meat.

Council Member Anvil spoke about the upcoming elder/youth conference.

Council Member Rodgers stated he had enjoyed the past four years with Mr. Anvil on the Council. He also expressed his condolences to the Simon family. He noted that moose hunting season was almost done and wished others good luck with their hunting. He said the roads are progressing nicely and the dock is coming along well. He hopes next year it would be the boat harbor. He noted there are no officers patrolling the streets at 5 a.m. when he takes his wife to work.

The Council took a brief recess at 9:35 p.m. prior to going into Executive Session.

#### **EXECUTIVE SESSION**

The Council recessed into executive session at 9:40 p.m. and reconvened the meeting at 9:52 p.m.

#### **ADJOURNMENT**

<b>MOVED BY:</b>	Pobrislo	Moved to adjourn.
<b>SECONDED BY:</b>	Rodgers	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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With no further business to come before the Council, the meeting adjourned at 9:53 p.m.

APPROVED THIS 12<sup>th</sup> DAY OF OCTOBER, 1999.

ATTEST:

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Agnes L. Phillips, Mayor

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Gaye J. Vaughan, City Clerk