

CALL TO ORDER

Mayor Feaster called the regular Council meeting to order at 7:35 PM.

ROLL CALL

Present: Dale, Feaster, Richardson, Vanasse, Wallace, Warner (tardy), Wintersteen

APPROVAL OF MINUTES

M/M by Dale, 2nd by Richardson to approve the minutes of 09/24/91 regular Council meeting as presented. Voice vote, motion carried unanimously.

motion

M/M by Wintersteen, 2nd by Warner to approve the minutes of 10/22/91 regular Council meeting with the following corrections: page 2, paragraph 6, 2nd sentence change word 'advance' to 'abeyance'; on the motion on page 3, Poll vote should indicate motion carried unanimously; page 3, paragraph 7, 1st sentence, add the word 'electrical' after Braund Building; page 4, paragraph 5, 1st sentence, add the words 'of minutes' after the word 'copies'; page 5, paragraph 4, 1st sentence, 'Jerry Elim' should be 'Larry Elam'; page 6, paragraph 1, 1st sentence, insert in parentheses the phrase 'later referred to as #693' after the figure '690'; page 6, paragraph 3, 1st sentence, change the word 'wharfage' to 'fish'; page 6, paragraph 7, 1st sentence, change 'lb' to 'per gallon'; page 6, paragraph 8, change the amount of '6 cents' to '4 cents'; page 8 under Adjournment, change the word 'adjourned' to 'recessed'; page 8, second motion, change Vanasse to Wintersteen. Voice vote, motion carried unanimously.

In response to a question from Madam Richardson regarding the minutes of 10/22/91, Mayor Feaster stated that they would be presented for action at the next regular Council meeting.

APPROVAL OF AGENDA

M/M by Vanasse, 2nd by Warner to approve the agenda as presented. Voice vote, motion carried unanimously.

MAYOR'S REPORT

Mayor Feaster had one additional comment to his written report which concerned the second meeting of Council falling on Christmas Eve. Council decided to reschedule the meeting for 17 December 1991 at 7:30 PM.

Madam Richardson pointed out that the Christmas tree planted in front of the Bethel Lions Club was donated by BNC.

MANAGER'S REPORT

Acting City Manager Hastie stated he had nothing to add to City Manager Hohman's report as submitted to Council. Councilman Warner pointed out that the City Manager's report indicated the City was bidding on 375,000 gallons of fuel oil at the old BIA site while the Public Works report indicated the amount was 275,000 gallons. Chief Barker, who took the fuel sample, remarked that he thought the amount was closer to the 275,000 figure.

COUNCIL MEMBER'S
COMMENTS

Councilman Dale commented on what he believed to be the unfairness of Water Ordinance #13 and, per Mayor Feaster's suggestion, will bring an amendment to the next Council meeting for consideration.

Councilman Warner questioned Items D and G in the Public Works Director's report: Item D; "Blocked up the emergency power station, installed new batteries & fired up," Councilman Warner asked if that was the van-mounted emergency generator behind the Braund Building. Acting Manager Hastie stated that it was.

Concerning Item G, the selection committee for the engineering firm for Sewer Lagoon Waste Water Alteration, Councilman Warner asked if this was engineering for modifying the lagoon to a pretreatment-type holding cell aeration system. The Public Works Director was not available to respond. Councilman Warner then pointed out that he was not aware that Council had approved that as a method for improving waste treatment. He felt that Council should give some kind of approval of the method before contracting for engineering services. Mayor Feaster stated that the City should put a hold on selection of an engineering firm until Council had approved the method for modifying the lagoon.

In response to a recommendation from Councilman Dale, Mayor Feaster requested that City Department heads attend the first portion of the Council meetings to be available to answer questions concerning their areas of responsibility.

REPORTS OF STANDING

Councilman Wallace reported that the Planning Commission was scheduled to meet Thursday, November 14, at 7:30 PM in the City Offices conference room.

Councilman Warner reported that the Public Works Committee held a mini-work session on Tuesday evening, November 5; a brief report of that meeting is part of the Public Works Director's report submitted to Council.

Councilman Vanasse reported that he spoke with Chris Morrill of the Teen Center and requested that he hold a meeting as soon as possible. Because of previous staffing problems Mr. Morrill had not been able to schedule a meeting; however, staffing had improved and he hoped to be able to schedule a meeting soon.

Mayor Feaster reported that the Finance Committee was scheduled to meet Thursday, November 21 at 7:30 PM in the City Offices conference room. The agenda had not yet been finalized.

Madam Richardson reported that the Public Safety Committee had held several meetings regarding the consolidation of the Police Department and Fire Department under the Public Safety Department. After lengthy discussions regarding the consolidation, the Public Safety Committee voted unanimously not to support the consolidation. The next meeting of the Committee is scheduled for December 4, 1991, with subject of animal control as the agenda item.

Councilman Wintersteen reported that the Port Commission is scheduled to meet November 18, 1991 at 7:30 PM in the Port Director's office. The public is invited to attend.

Councilman Dale reported that the Transportation Commission meets as appeals are requested. No meetings had been scheduled as of this time.

Mayor Feaster announced a Council work session to review the draft FY 1991 audit report scheduled for November 20, 1991, at 7:30 PM in the City Offices conference room. Councilman Warner requested additional copies of the audit report be available; Councilman Vanasse requested that an invitation be extended to the Finance Committee.

ITEM C: (New Business) YUKON-KUSKOKWIM FISHERMEN'S TASK FORCE REQUEST
YK Fishermen's Task
Force

In order to accommodate a request from Mr. Harold Sparck, representing the Yukon-Kuskokwim Fishermen's Task Force, Item C under New Business was addressed at this time. Mr. Sparck asked Council for a \$1,000 donation to help pay legal fees incurred for the False Pass Supreme Court litigation on the chum cap. Mr. Sparck explained his position and that of the Yukon-Kuskokwim Fishermen's Task Force to the Council and answered questions from the Council.

Madam Richardson stated that she would stand on her personnel feelings that she has stood on all along in the efforts by the Task Force to raise

money for the attorney and not support the request; she also pointed out that Bethel's Senior Citizens had raised money to buy a bus with no support from the City.

motion

M/M by Dale, 2nd by Warner to provide a donation to the Yukon-Kuskokwim Fishermen's Task Force in the amount of at least \$500 to offset legal expenses incurred; the funds to come from the Port Fund's fish wharfage tax.

Councilman Warner indicated his reluctance to support the motion as he in general does not support these types of appropriations by the City. He pointed out, however, that the fisheries here during the four summer months are the City's largest economic base and provide significant income for the Port in terms of fish wharfage tax; therefore, the City directly benefits as a result of the amount of the fish that are caught. Councilman Warner stated that for this reason he felt the Council should support the motion.

Councilman Dale stated that his reason for the motion was that the City has two natural resources: 1) fish for three months of the year, and 2) federal money. The Council should try to expand the fishing industry and move away from dependency on federal monies.

Councilman Wintersteen spoke against the amount of \$500 and stated that because of the importance of the fishing industry to the area, he was in favor of supporting the original request of \$1,000.

amended motion

Amend M/M by Wintersteen, 2nd by Wallace to donate the original request of \$1,000 to the Yukon-Kuskokwim Fisheries Task Force.

Poll vote on amendment to original motion. Motion carried. 5-yes; 2-no (Feaster, Richardson).

Returning to the discussion on the main motion, Councilman Warner questioned Port Director, Stuart Greydanus, on how much was available in the budget wharfage tax line item. Mr. Greydanus stated there was an adequate amount in the account.

Councilman Vanasse stated that while he had not supported a past request from the Task Force for a \$500 donation, he would support it this time because the quantity of fish coming across the dock would more than support passage of this motion.

Poll vote on main motion. Motion carried. 5-yes; 2-no (Feaster, Richardson).

PEOPLE TO BE HEARD

Don Dinius had two questions for Council: 1) Is the City currently advertising for the Chief of Police?; and 2) Does the City still own the Police boat? Acting City Manager Hastie's response to the first question was that the City was not currently advertising for the Chief of Police position; and to the second question, he stated he did not have the answer, but would check with Acting Police Chief Liu on the status of the boat. In response to comments from several council members, Mayor Feaster reiterated that the status of the boat required checking into.

Irv Kreider spoke on the issue of Water Ordinance Title 13. Mayor Feaster advised Mr. Kreider that he would have an opportunity to participate in the public hearing on the amendment to the ordinance.

OLD BUSINESS:

Item A: RFP-
Lobbyist Proposal

REQUEST FOR PROPOSAL -- LOBBYIST PROPOSAL

Council at this time discussed the Request for Proposal for a lobbyist submitted by City Manager Hohman. In response to a question from Councilman Dale regarding the allocation of funding for a lobbyist, Mayor Feaster stated that the Council had not approved funding at the last budget meeting. Councilman Dale then pointed out that since a staff attorney had not been appointed, there should be money from that position in this year's budget to cover the cost of hiring a lobbyist for this legislative session.

motion

M/M by Dale that the Council accept the lobbyist concept during this legislative session and proceed to engage a lobbyist to represent the City of Bethel.

Mayor Feaster then stated that the Council had already approved the concept of hiring a lobbyist at the last Council meeting.

Motion failed due to lack of a second.

motion

M/M by Richardson, 2nd by Dale to approve a request for proposals regarding lobbyist.

In response to a question from Councilman Warner regarding representation by a lobbyist in Washington, D.C., Mayor Feaster stated that it was his understanding that there would be times, especially when dealing with the Corps, that the City would need special representation of its interests in Washington, D.C. and that the lobbyist would then travel from Bethel to Washington, D.C.

Councilman Vanasse stated that maybe the Council should have a more detailed RFP and that it would be more prudent to wait for the City Manager's return to address the issue. Mayor Feaster stated that there was a time line involved and that the Council needed to make a decision in order to be ahead of that time line. Councilman Vanasse asked that if the motion was approved, would Council have to stick word-for-word with the Request for Proposal that was submitted. At this time there was confusion regarding the intention and the wording of the motion.

amended motion

M/M by Wintersteen, 2nd by Dale to amend the motion by changing the word "a" on the original motion to the word "the." Voice vote on amended motion, motion carried. 5-yes, 2-no (Richardson, Vanasse).

Following discussion and clarification of the motion, Councilman Wintersteen called the question.

Poll Vote

Poll vote on main motion, motion carried. 5-yes, 2-no (Feaster, Warner).

Item B: Pub. Hearing
Amend #1, Ord. #46
BMC Chapt. 1.20
Elections

PUBLIC HEARING AMENDMENT #1 TO ORDINANCE #46 AND
BMC CHAPTER 1.20 - ELECTIONS

Mayor Feaster provided a brief background on the procedure for amending the city ordinance to allow voters to select city council candidates at large instead of by seat. A letter from the City Attorney, Brooks Chandler, explained that while the Council may pass the amendment to the ordinance, there is a procedure whereby the ordinance must go through the Justice Department; Mr. Chandler suggested wording on the ordinance. Council had been asked to conduct an advisory vote; vote was 2 to 1 for this procedure. Action at this time would be to formalize that procedure.

Mayor Feaster opened the public hearing at this time for Amendment #1, Ordinance #46. Mayor Feaster responded to several questions from the audience concerning Council vacancies by clarifying the wording of the ordinance as well as explaining in more detail the election process.

Mayor Feaster then closed the public hearing and asked for comments from the Council. Councilman Warner suggested to: 1) omit the unnecessary language on the second page of the amendment, and 2) table the final vote and send it to the Justice Department. Mayor Feaster pointed out that the Justice Department would not accept proposals.

Councilman Warner stated that he was uncomfortable with changing the election process. Mayor Feaster indicated that the amendment to the ordinance would not become effective until such time as the Justice Department passes on it.

motion

M/M by Warner, 2nd by Dale for the acceptance of Amendment #1 to Ordinance #46 with the deletion on page 2 of the proposed amendment of the entire sentence "In the event no candidate agrees to fill. . .in odd numbered years."

Poll Vote

Poll vote. Motion carried unanimously.

COUNCIL BROKE FOR SHORT RECESS UNTIL 9:05 PM.

NEW BUSINESS:

Item A: Prop. Resol.
#694--KYUK Grant

PROPOSED RESOLUTION #694--SUPPORT KYUK APPLYING FOR PUBLIC TELECOMMUNICATIONS FACILITY PROGRAM GRANT

M/M by Dale, 2nd by Wallace to approve Resolution #694 in support of KYUK's application for a Public Telecommunications Facility Program grant. Voice vote, Feaster abstained because of a possible conflict of interest. Motion carried unanimously.

Item B: Games of
Chance & Skill

GAMES OF CHANCE & SKILL: IAP, AVCP, BETHEL LIONS CLUB

motion

M/M by Wallace, 2nd by Warner to approve the games of chance and skill application for the Association of Village Council Presidents (AVCP). Voice vote, motion carried unanimously.

motion

M/M by Vanasse, 2nd by Warner to table the approval of the games of chance and skill application submitted by the International Association of Personnel pending further information.

amended motion

M/M by Dale, 2nd by Wallace to amend the original motion to table the approval and instead reject the application as a 1991 application was submitted instead of a current 1992 application. Voice vote on amended motion. Motion carried. 6-yes, 1-no (Vanasse)

Voice vote on original motion. Motion carried. 6-yes, 1-no (Vanasse).

Item D: BNC Land
Re: Petrol Port

BETHEL NATIVE CORPORATION LAND RE: PETROL PORT

Mr. William Bivins, General Manager of the Bethel Native Corporation (BNC) presented a proposal from BNC to deed to the City, immediately, those tracts of land along the Kuskokwim River near the Petrol Port that were deeded to BNC that are not

currently in conflict. A map and legal description of the land were distributed to Council and, for purposes of clarification, are included as a part of these official minutes. A lengthy discussion concerning the land to be deeded and the tracts of land in conflict followed.

motion

M/M by Warner, 2nd by Dale that: 1) the City Council conceptually accept the transferral of certain portions of Tract 5C (approximately 10 acres) from Bethel Native Corporation, not to be construed to mean total satisfaction of the After-Acquired Title Agreement, and 2) the City, BNC and Warren Hulbert of Bethel Fuel Sales work together immediately and as quickly as possible to transfer the remaining portion of Tracts 5C and 5D to the City. For clarification this would all be part of 14(3)(c) conveyances to the City, or approximately 13 acres that would be considered part of the allotment from BNC. It is also understood that the written agreement for full transfer of the affected properties will be presented for Council's final approval by the December 10, 1991, Council meeting and that BNC and the City work amicably to provide some sort of control to satisfy the Corps requirements for the up-river portions in order to construct the seawall between the City property up-river and what would then be the up-river end of this new property.

Poll Vote

Poll vote, motion carried; 6-yes. Madam Richardson was excused from vote for reason of conflict of interest as she chairs the Bethel Native Corporation.

motion

M/M by Warner, 2nd by Dale to continue the Council meeting past 10:00 PM. Voice vote, motion carried unanimously.

Item E: CIP List

CAPITAL IMPROVEMENT LIST REVIEW AND SELECTION

Mayor Feaster reported that at its last regular meeting, Council was presented a proposed list from Administration of capital improvement projects to review and was requested to submit its recommendations and priorities at the next regular Council meeting. Prioritized lists were then submitted by council members Warner, Dale, Vanasse, Wintersteen and Richardson. Following presentation of lists, Mayor Feaster pointed out that there appeared to be general agreement among Council on four of the five projects with only the dollar amounts in conflict. A brief discussion followed.

M/M by Warner, 2nd by Richardson that the City of Bethel's capital improvement list go to the legislature in the following order of priority: 1) matching funds for the Corps of Engineers bank stabilization project; 2) water and sewer improvements to include the projects listed plus the auxiliary water source; and 3) monies for local road improvements. Voice vote, motion carried unanimously.

Item F: Executive Session-Legal Matters & City Clerk Select.

EXECUTIVE SESSION: LEGAL MATTERS AND CITY CLERK SELECTION

motion

M/M by Dale, 2nd by Warner to go into executive session at 10:50 PM to discuss City vs. Nelson Brown, City vs. Nelson Marine, City vs. Ray Stock and City Clerk selection.

Mayor Feaster indicated that the Ray Stock issue would fall into two categories: 1) presentation to Council from Mr. Stock, and 2) discussion of two letters from the City Attorney.

Voice vote, motion carried unanimously.

Mayor Feaster called the regular meeting back to order at 11:45 PM.

motion

M/M by Dale, 2nd by Wintersteen that Council give unanimous consent to the hiring of Ms. Jane Elam as the City Clerk. Voice vote, motion carried unanimously.

In response to a question from Ms. Elam regarding the starting salary scale for the position, Council requested Mayor Feaster to work out with Administration and Ms. Elam.

motion

M/M by Richardson, 2nd by Warner to adjourn the meeting at 11:58 PM. Voice vote, motion carried unanimously.

PASSED AND APPROVED THIS 26th DAY OF November, 1991.

James Feaster III
James Feaster III, Mayor

ATTEST:

Jane Elam
Jane Elam, City Clerk