

CALL TO ORDER

Mayor Vanasse called the Council meeting to order at 7:31 PM.

ROLL CALL

Present: Dale (late), Feaster, Lilienthal, Trantham
Vanasse and Wallace.

Absent: Richardson.

APPROVAL OF MINUTES

Mayor Vanasse indicated to Council that City Clerk McGowan called him indicating she was sick and has been the past 2 days and that minutes of 1/29/91 would be done by next meeting; but yet had 1/8/91 minutes to approve.

motion

M/M by Feaster, 2nd by Wallace to approve minutes of 01/08/91 with the following correction: page 2, 6th paragraph, delete words 'in executive session' and add words 'for a Councilmember'. Voice vote, motion carried.

APPROVAL OF AGENDA

M/M by Wallace, 2nd by Trantham to refer Ordinance #200 to the Planning Commission to be placed on their 02/13/91 agenda. Voice vote, motion carried.

motion

M/M by Wallace, 2nd by Feaster to approve the agenda with the following deletion: under Unfinished business, delete Item A: Public Hearing Ordinance #200. Voice vote, motion carried.

MAYOR'S REPORT

Mayor Vanasse reported to Council that the City of Bethel received a certificate of appreciation from the Kuskokwim 300 Race Committee; Mayor Vanasse in turn extended his thank you to the Kuskokwim 300 Race Committee, since they do bring in revenue to the City. Received letter from Department of Community & Regional Affairs indicating that the City would receive municipal assistance payment in amount of \$385,045.00 for FY'91. Received correspondence reporting that DOT is to hold meetings regarding future planning of department of transportation and public facilities, including roads, boat harbors, etc. and calendar of events to be mailed out soon, and sadly reported that place to hold meetings at Bethel had been excluded. Concluded by appointing Harold Jones to the Finance Committee, from the Port Commission.

motion

M/M by Trantham, 2nd by Feaster to ratify Mayor Vanasse's appointment. Voice vote, motion carried.

Councilman Trantham reiterated Mayor Vanasse's appreciation to the Kuskokwim 300 Race Committee, plus the volunteers that made it happen. Councilman Trantham asked Mayor Vanasse as part of his Mayor's Report, regarding recent investigations at the City. Asked the following questions of the Mayor: 1) Can you enlighten us of what's going on? 2) Enlighten Council any roles that the Mayor might've played or may have been involved in; 3) Any role the police department may have played during investigations, whether complimentary or actual; and 4) Any role the City Attorney might have had.

MAYOR'S REPORT
continued

Mayor Vanasse responded to Councilman Trantham by indicating that he became aware of the investigation about a week ago before it was printed in the newspaper. Restated himself by indicating that he was not aware of the investigation, but indicated that an Attorney had been hired. But with the rumor on the streets, he found out about the investigation and indicated that he did not get involved in the investigation, not even the personnel investigation. Nor does he know what questions were being asked, but is aware of the contents of the investigation. Councilman Trantham confirmed that the date was November 15th as to the date he referred to earlier. Councilman Trantham further referred Mayor Vanasse to the January 8, about 6PM call he had received from the Mayor indicating that he would need a back up document that he would need during executive session, therefore Mayor had previous knowledge that this would be brought up in executive session, since it was not on the agenda.

Mayor Vanasse indicated to Councilman Trantham that he was not aware of the contents of the document, that he only speculated that he thought he knew what it was. Councilman Trantham at this time considered the case closed.

MANAGER'S REPORT

City Manager Earnest reviewed his written report with Council on the following subject items:

- been out of the office most of last week, since he had assisted with a new addition to the family;
- been working on complex projects the past 2 weeks, one being the PATC project, at which time extended appreciation to the PATC Director and staff; finishing up with proposed building lease;
- enclosed a copy of the travel policies;
- Cultural land discussions, been number of meetings since last year regarding this, included this information and more in the Council packet;
- Small Boat Harbor fingerfloat projects IFB being advertised;
- apologized for not providing information which was requested earlier, but did have the department reports enclosed.

Mayor Vanasse asked if the scheduled 6 month budget review was going to be a 5 month budget review. City Manager indicated that it would be a mid-year budget review. Mayor Vanasse asked when the fingerfloat project would be installed; it was indicated that it would be a before break-up project.

Councilman Wallace indicated he did not understand the land deal with cultural center, deal between BNC and City. City Manager Earnest indicated that City is requested to participate as a pass through entity. BNC proposing to reconvey 4 acres of land within USS 4000 to the City, with the understanding that City would make that land available for the cultural center. City Manager Earnest further

MANAGER'S REPORT
continued

indicated to Council that in addition, BNC was requiring that 1.5 acres of land located near Petro Dock be excluded from the 1982 agreement between City and BNC, which states 10 acres would be reconveyed back to the City, but now 1.5 acres would be excluded from 14(c) entitlement.

Councilman Trantham indicated that at the last meeting had requested an administrative overhead calculation; it was pointed out to Councilman Trantham that the information is provided in packet that was passed out earlier this evening. Councilman Trantham also asked the City Manager the following question regarding a previous investigation that had occurred and also indicated that without the City Manager knowing, an individual employee had tape recorded the meeting, and Councilman Trantham further indicated that it was incredible listening to the tape. City Manager Earnest indicated to Councilman Trantham that fact was interesting, since he committed a crime. City Manager Earnest indicated that he was within his limits to hold an administrative investigation and was not going to comment anymore than that. Councilman Trantham further asked if the City Manager had any employee investigated. City Manager Earnest replied no.

Councilman Feaster asked if a date was set for the budget worksession; after discussion, Council decided for Wednesday, the 20th to hold a budget worksession, 7:30 PM at the City conference room.

Councilman Feaster asked why the Council meeting was being video taped; Rhonda McBride indicated that they invited themselves, and that occasionally they do video tape Council meetings, and this happen to be the first video taping since Councilman Feaster came on Council. Councilman Feaster further expressed that he wish he knew they were coming, so he could have dressed a little better.

COUNCIL MEMBER COMMENT

Department

Councilman Trantham thanked the department heads for their reports and commend Bethel Utilities Corporation for their services in providing drilling for graves. Recieved a call from a citizen suggesting that an airport security staff be added to Police on contract basis; comments from public was to take it into consideration. Councilman Trantham concluded by indicating that 3 law firms would be scrutinizing every word he had to say tonight. Indicated that he believes the City, primarily the City Manager were in a crisis mode; and that the Council was in a crisis mode. He commented by indicating that it was time to start working together and getting things done and get away from the investigation crap. He further indicated that it was sad that he could not fully voice his or his constituents concerns without being intimidated with threat of lawsuit, investigators and all this kind of crap. Indicated we were in a crisis and something had to be done tonight.

COUNCILMEMBER COMMENT
continued

Further indicated that the first step needed to be taken tonight. Felt it was conflict of interest for the City Manager and his personnel officer to hire an investigator and expect the City employees to participate. He indicated that he had heard alot more rumors the past 2 weeks about the City Manager, then what he's been hearing the past year. Councilman Trantham further indicated that employees have contacted him regarding the investigator going around on City time asking quetions, felt it was mis-use of public funding and misconduct on City Manager's part for allowing it to happen. Encouraged fellow Councilmembers to start working together and getting things done.

Mayor Vanasse agreed with Councilman Trantham that Council and City need to get back on track. Also indicated that if he had done anything wrong, that he would certainly entertain Councilman Trantham's version of that. Referring to end of October conversation between Councilman Trantham and Mayor Vanasse, Councilman Trantham had asked the Mayor what he had thought of the particular motion that was passed by Council, which he thought was rather redundant since Mayor voted against it, and Trantham voted for it; Mayor Vanasse indicated he told him of his opinion, and has never recieved any phone calls nor returned calls. Mayor further indicated he did call on January 8th, which became very apparent that Councilman Trantham will not and do not want to accept phone calls. Mayor Vanasse indicated that he has never stopped anyone from commenting on him as Mayor and is very accessible. Mayor Vanasse expressed that change should start from here and also from each and everyone of the Councilmembers. He also indicated to Council that first step to correct would be communication between Councilmembers; also said that he will not censor or cut off any comments made by any of the Councilmembers since he needs to hear what the Councilmembers had to say.

Councilman Trantham indicated that he had not received any messages or calls from the Mayor - he indicated by saying 'zero, zip, none' that he had not recieved any messages. Mayor Vanasse indicated that he has left messages and leaving it at that. Councilman Wallace expressed that at his work, he goes to work with home problems at home and when he went home after hours, he'd leave his work problems at work. Further indicated that he is tired of this B.S. crap that goes on every meeting, to a point where Council did not know what they were here for. Indicated that he was sick and tired of arguing all the time, and encouraged Council to start dealing with City stuff, made an example of the one agenda item tonight, and that meeting would end up at least until 10 PM due to this crap going on. Encouraged fellow Councilmembers to get down to business, since they were voted in to do just that.

REPORTS OF STANDING
COMMITTEES

Councilman Feaster indicated that Planning Commission is scheduled to meet 2/13/91 evening and Finance Committee scheduled to meet next Thursday, 7PM at the Conference room; and a report from the Staff Attorney committee, recommending to offer position to Richard Eckhert and other questions to answer are like will he be a regular employee or contracted, clerical support, scope of duties needs to be well defined, etc. Councilman Dale expressed that the \$180,000 paid for legal fees needed to be explained, felt it was too excessive. Believes City should hire a staff attorney soon, and if no one is hired by end of fiscal year, to put a cap on the spending money for legal fees. Mayor Vanasse and Councilman Feaster further explained the recommendation by the selection committee and how it was derived that way. It was also indicated that the Attorney applicant had asked about relationship between himself, Council and City Administration. Ground rules needed to be laid out and what his relationship would be with the current Attorney. Council further discussed this in detail. Councilman Trantham indicated to Council that the current Attorney contract had expired November 1990, and would like that investigated. City Manager Earnest indicated that this individual had requested he be provided with a legal secretary, which would mean hiring another employee. Further indicated that his recommendation was to contact agency for acquiring names available for Attorney positions for Municipalities. Councilman Dale suggested tabling item since it was not an agenda item, and prefer to discuss next time. After further discussion, it was asked that this be placed on the next agenda item.

Councilman Trantham indicated next Public Works Committee meeting would be next Tuesday night, 7:30 PM at the Public Works Conference room.

Councilman Wallace indicated PATC Advisory Board was scheduled to meet last night, but rescheduled to the 23rd of this month.

Councilman Dale reported that Transportation Commission is scheduled to meet this Friday night.

Madam Lilienthal was not sure when the next Port Commission meeting was going to be held, since the Port Director was on leave. City Manager Earnest indicated that he was temporarily back on board to take care of things, and that he would take that much time off in March. Madam Lilienthal indicated they usually meet 3rd Monday of each month.

City Manager Earnest indicated that both Port & Planning Commission have met and approved the Inlet Salmon proposal, and Planning Commission to re-review proposal and ordinance #200. It was also requested that Planning Commission get back with Council before the next regular meeting.

REPORTS OF STANDING
COMMITTEES cont.

Mayor Vanasse reported that he had been out of town and that he was not sure of when the Parks & Recreation Committee was scheduled to meet, but that they have been scheduling around the regularly scheduled meeting to fit the members schedules.

PEOPLE TO BE HEARD

Corlis Taylor the Administrative/Personnel Officer for the City of Bethel clarified to Council regarding statements made earlier. She indicated that she has not threatened to sue anyone, nor has she mentioned the word sue. Nor has she requested that any Councilmember, city employee to be investigated. Further indicated that she was hired to do a job, per her job description. She had been requested to do a job and that was what she had done. She further indicated that she agrees with Councilman Wallace regarding working together. She also indicated to communicate with Mr. Trantham as a Councilmember, both by phone and by writing, but he had refused to, which was before an Attorney had been hired. She further expressed that she had not threatened to sue anyone. Councilman Dale asked for further clarification as to what she ment by her last comment about before hiring an Attorney. Ms. Taylor indicated she was saying comments were made earlier to work together, and that all she had been trying to do was communicate with Mr. Trantham, but he had refused to speak with her.

City Manager Mark Earnest agrees with Councilman Wallace, indicated it had been an interesting experience, thought it was time to work together and time to knock off unfortunate reliance of critically harmful and vicious rumor spreading, which he thought was no place for this community. He further indicated it got to a point where it was affecting some people's personal and professional lives. Felt it was time to end it, and time to follow through with Councilman Wallace's advice, and work as a group and serve the people of Bethel. Further concluded that he hopes and prays that from here on to work together and continue on.

Bruce Perry expressed his concern that he appreciated Council time put in, plus all the extra time. Indicted he agrees with Councilman Wallace in getting things on a roll. He indicated that when they can not agree with things at the Station, what their boss does, is sit down with both employees and work things out, even though there's been tough times coming to a conclusion. Felt Council should do the same, go into executive session to discuss and air out the problems Council may have between them.

Hearing No More Public input, Council went onto hearing Edith Erika regarding the Long Branch Restaurant sales tax penalty and interest. Ms. Erika at this time presented her case to Council, indicating that basically she was going to Council to ask for the sales tax penalty and interest forgiveness.

LONG BRANCH REST.
continued

Council at this time discussed this further in detail with Ms. Erika and reviewed the total amount owed for actual sales tax, penalty, interest, estimated fee and assessment fee. Also Council heard from Finance Director Graham reviewing actual written communications with Long Branch Restaurant regarding their sales tax payments. Indicated that notice was received from City Attorney Brooks Chandler to go ahead with the collection process, then to small claims if no response was received. He also indicated that the final amount due was based entirely on tax returns that the business had been submitting, and was no tax estimate. City Manager Earnest further reviewed in detail the sales tax process with Council at this time.

motion

M/M by Wallace, 2nd by Dale to have Long Branch Restaurant pay the \$11,679.73 sales tax owed to the City for 36 month period and \$350.00 per month, with forgiveness of penalty and interest.

Mayor Vanasse suggested City accept the settlement offer of payment in full of \$21,096.00 based on affordable payment plan, and discontinue further penalty and interest.

Poll Vote

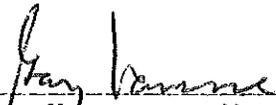
Poll vote on motion, motion carried. 4-yes; 2-no (Feaster and Vanasse).

After discussion, City Manager and Finance Director to work details of an agreement with some form of revision for default.

ADJOURNMENT

M/M by Wallace, 2nd by Lilienthal to adjourn the meeting at 9:30 PM. Voice vote, motion carried unanimously.

PASSED AND APPROVED THIS 12 DAY OF March, 1991.



Gary Vanasse, Mayor

ATTEST:



Anna McGowan, City Clerk