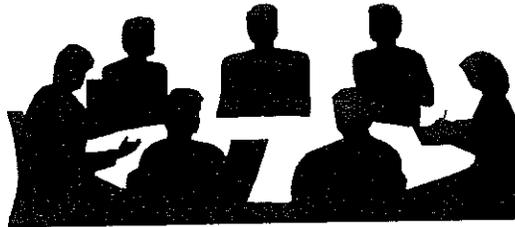


CITY COUNCIL

Kent Harding
Buford McComas
Tad Miller
Mary Pavil
Ruth M. Richardson, Mayor
Stanley Rodgers
Wally Wallace



CITY MANAGER

Ken Weaver

ACTING CITY CLERK

Laurie Adams

City of Bethel
Special City Council Meeting Minutes
December 14, 1995

I CALL TO ORDER

The meeting was convened at 6:35 p.m. by Mayor Richardson at the City Offices Conference Room, Bethel, Alaska.

II ROLL CALL

Present: McComas, Miller, Pavil, Richardson, Rodgers.
Absent: Harding, Wallace

III APPROVAL OF AGENDA

motion M/M by Miller, 2nd by Pavil to approve the agenda as presented. Voice vote.
Motion carried unanimously.

Council member Pavil stated that she wished to abstain from any discussion on Old Business Item A: Teleconference with Jay Sullivan, Land Field Services, regarding William Hatelý's Request for Extension of the Bethel Bank Stabilization Project due to her association with ONC who is handling Mr. Hatelý's paperwork

Mayor Richardson excused Council member Pavil to attend the Lions Club tree lighting ceremony in her place.

IV. OLD BUSINESS

Item A: Teleconference with Jay Sullivan, Land Field Services, regarding William Hatelý's Request for Extension of the Bethel Bank Stabilization Project

Jay Sullivan, Land Field Services, stated that all previous negotiations with William Hatelý concerning the City including his property in the Bethel Bank Stabilization Project had failed. Mr. Sullivan reported he had sent a letter dated April 18, 1994, to City Manager William Hunter summarizing the City's options in dealing with Mr. Hatelý; accept Mr. Hatelý's verbal counteroffer, eliminate Mr. Hatelý's portion of land from the project, or to go through the U.S.

government to establish eminent domain. Mr. Sullivan stated that Mr. Hately's verbal counteroffer was reported to the Corps who decided at that point to drop Mr. Hately's portion of land from the project.

Mayor Richardson inquired as to what would need to be done if Mr. Hately's portion of land was to be added back into the project.

Mr. Sullivan stated that Mr. Hately's property had already experienced considerable erosion since the property was last surveyed and appraised. Mr. Sullivan added that because of the erosion that occurred the earlier figures would no longer be valid and the property still usable would have to be resurveyed and reappraised. Mr. Sullivan stated that he could not tell the City the bottom line of adding Mr. Hately's portion of land back in until the surveying and reappraising was complete, but more than likely the Corps would offer Mr. Hately less than the \$81,000 that was originally offered to him for easement rights. Mr. Sullivan continued to say that under the Federal Code 25 section 169.3(B) the City would have to go through BIA, or ONC as it is in Bethel, to do the paperwork and then BIA would be the one to grant site control to the City.

Mayor Richardson questioned whether the Corps would have to approve the easement. Mr. Sullivan answered stating that since Mr. Hately's parcel was in the original design plan and then dropped, that the Corps could just do ahead and add it back in, but the Corps would have to approve the funding for the reappraisal if that is what the City wanted to do.

Discussion followed on how much of an easement was being requesting. Mr. Sullivan informed the Council that the easement would be approximately 200 feet back from the bank.

Council member McComas questioned what Mr. Hately's contribution would be to the project. Port Director Stuart Greydanus reported the total amount of property cover by the easement to be about 1.5 acres.

Mayor Richardson inquired whether Mr. Hately would have free use of the easement property. Mr. Sullivan stated that he would not unless it was authorized by the Corps.

Dorothy Rodgers, O.N.C., stated she thought that Mr. Hately was told by someone that he would have full use of the property and the only time the City or anyone else would go on it would be for construction purposes.

Discussion followed on the sloping of the bank, the exact location of the property, and which portions were leased by Bethel Fuel Sales.

Mayor Richardson asked about the time frame the City would have to work within if the Council decided to include Mr. Hately's portion back into the project. Mr. Sullivan stated that Land Field Services could provide assistance to the City at anytime, but the Corps would need to know by the middle of January if it was to be considered for the 1996 construction season.

Mayor Richardson questioned whether Mr. Hately would still want the City to include his property in the project if he would not have full use of the property. Ms. Rodgers replied that Mr. Hately did not want to loose any land.

Council member Miller stated he believe that Mr. Hately would be interested since he was currently loosing land from erosion and extending the project would further protect the land he still has.

motion M/M by Miller, 2nd by McComas to have the City Manager come back to the Council after finding out from the Corps exactly what the design plan calls for. Voice vote. Motion carried unanimously.

motion M/M by Miller to have the City Manager prepare an amended Resolution to reflect the additional funds needed to include Mr. Hately's portion, and to add that the additional \$125,000 for the local match be waived. No second.

motion M/M by Miller, 2nd by Rodgers to have the City Manager research having the local match waived and report back to Council. Voice vote. Motion carried unanimously.

City Manager asked permission from the Council to contact Land Field Services to amend the agreement between them and the City. Permission granted.

Item B: Appointments to Public Safety Commission

Mayor Richardson stated that she was appointing Gary Peltola as an ex-officio member to the Commission.

Mayor Richardson recommended appointing Mr. Hildreth, Mr. Constantine, Mr. Hastie, Mr. Vanasse, and Ms. Neth to the Public Safety Commission.

motion M/M by Miller, 2nd by McComas to confirm the appointments of Ms. Neth, Mr. Hildreth, Mr. Hastie, and Mr. Vanasse to the Public Safety Commission. Voice vote. Motion carried unanimously.

motion M/M by McComas, 2nd by Miller to confirm the appointment of Mr. Day to the Public Safety Commission. Voice vote. Motion carried unanimously.

motion M/M by Pavil, 2nd by Miller to continue advertising for one more seat on the Commission.

Mayor Richardson asked for a volunteer to serve as Council representative to the Public Safety Commission. Seeing and hearing no one, Mayor Richardson tentatively appointed Mr. Harding to serve as the Council representative to the Public Safety Commission.

V. NEW BUSINESS

Item A: Resolution #95-54: A Resolution Accepting a Water and Sewer Facility Master Plan (#16717) Grant from Governor Knowles and the Department of Environmental Conservation

motion M/M by McComas, 2nd by Pavil to ratify Resolution #95-54 accepting a Water and Sewer Facility Master Plan Grant. Voice vote. Motion carried unanimously.

Item B: Selection of Council Member to Represent the City of Bethel of the Village Safe Water Selection Committee to Review the Water and Sewer Facility Master Plan Proposals

Council member McComas voiced his interest in being appointed as the City of Bethel representative to the VSW selection committee.

motion M/M by Pavil, 2nd by Miller to nominate Council member McComas to serve as the City of Bethel representative on the Village Safe Water selection committee to review the Water and Sewer Facility Master Plan proposals. Voice vote. Motion carried unanimously.

Council member Pavil stated that she would like to be informed when the committee has its meetings.

Council member Miller requested to be excused from the meeting at this time.

III EXECUTIVE SESSION

Item A: Labor Matters--APEA Contract Negotiations

Item B: Legal Strategy--Wulvik v. City of Bethel

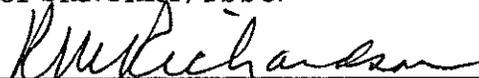
motion M/M by Pavil, 2nd by Rodgers to go into Executive Session for the purpose of discussing Labor Matters--APEA Negotiations and Legal Strategy--Wulvik v. City of Bethel. Voice vote. Motion carried unanimously.

motion M/M by Pavil, 2nd by McComas to come out of Executive Session. Voice vote. Motion carried unanimously.

IV. ADJOURNMENT

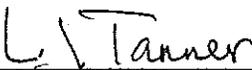
motion M/M by Pavil, 2nd by Rodgers to adjourn the meeting at 8:37 p.m. Voice vote, Motion carried unanimously.

PASSED AND APPROVED THIS 9TH DAY OF JANUARY, 1996.



Ruth M. Richardson, Mayor

ATTEST:



L.J. Tanner, City Clerk