

PAGE 1
CITY COUNCIL MINUTES
MARCH 9, 1993

CALL TO ORDER Mayor Feaster called the regular Council meeting of March 9, 1993, to order at 7:30 PM.

ROLL CALL Present: Feaster, Jones, Metcalfe, Trantham, Vanasse, Warner (late)
Absent: Wintersteen

APPROVAL/MINUTES M/M by Jones, 2nd by Vanasse to approve the minutes of the February 23, 1993, regular Council meeting as presented. Voice vote. Motion carried unanimously.

APPROVAL/AGENDA M/M by Jones, 2nd by Trantham to approve the agenda as presented. Voice vote. Motion carried unanimously.

MAYOR'S REPORT Mayor Feaster advised Council that DEC had notified Administration that there appeared to be an uncontrolled release from the old section of the sewage lagoon. Working with DEC and the Mayor, Administration had issued a Health Advisory Notice throughout the City of Bethel. Although contamination had not been confirmed at the time the health advisory was posted, it was the City's position to warn residents of any possible health risks as a precautionary measure should the tests prove positive.

MANAGER'S REPORT In addition to the written report, City Manager Gross reported on the following:

--The additional funds for sewer improvements requested by Governor Hickie for rural Alaska is the regular VSW appropriation, not additional monies. However, according to Steve Eng, it might be possible that the City would get more than the \$1,000,000 that was originally requested without updating the City's request.

--She will not be attending the Manager's meeting in Juneau, April 1 and 2, as originally reported.

Regarding procedures for collection of sales tax delinquencies, City Manager Gross indicated that a policy would be prepared and submitted to Council for ratification.

**PAGE 2
CITY COUNCIL MINUTES
MARCH 9, 1993**

Council approved extending the contract for City Manager Gross through April 14, 1993.

Council approved the preparation of bids for disposal/removal of the Museum, the old Cutting Edge Building and the old fire station. The bid for disposal/removal of the fire station should also include demolition. Regarding the fiberglass building, Administration should assess the need for use by Public Works.

In response to a question from Councilman Trantham concerning negotiations for a fuel tank from BIA, City Manager Gross stated that the City was not involved in any negotiation for fuel tank(s).

City Manager Gross reported that as of this date she had not heard from William Hunter, but she had called and left a message on his answering machine for him to return her call.

Ms. Gross also said that a revision of the job description for Planning Manager had been prepared that would be submitted to the Planning Commissioners for their review/recommendation at the March 11 meeting. The job description would then be presented to Council on March 23.

**COUNCIL MEMBER
COMMENTS**

Councilman Jones said he had received several compliments from residents about the City water/sewer department. Mr. Jones also congratulated Police Chief Liu and his wife on the birth of their new son.

Councilman Metcalfe congratulated Chief & Mrs. Liu. In addition, Mr. Metcalfe congratulated Stuart Greydanus on his election to the office of Vice President of the Alaska Association of Harbormasters and Port Administrators, and wished James MacPherson, former editor of the Tundra Drums good luck in his new position. Mr. Metcalfe addressed the increased concern residents have expressed about the lack of water and sewer facilities in Bethel and strongly urged Council to begin developing a long-range plan. Following a discussion among

**PAGE 3
CITY COUNCIL MINUTES
MARCH 9, 1993**

council members, a work session to begin development of a plan was scheduled for March 22, 1993, 7:30 PM, at the Log Cabin.

Councilman Vanasse thanked Councilman Metcalfe for the written report on his trip to Juneau. Mr. Vanasse informed Administration that Tim Bundy, an expert in the area of asbestos abatement and containment, would be in Bethel to teach a course on asbestos certification and would probably be available the evenings of March 21 and 22 if someone from Administration would want to meet with him.

Councilman Warner advised Council that a bill, HB 173, had been introduced to the legislature. The bill would prohibit municipalities from levying or collecting sales or use taxes on charitable gaming activities. Because the City taxes gaming activities, Mr. Warner recommended that Council support a resolution opposing this bill and that it be placed on the agenda for March 23.

motion

M/M by Warner, 2nd by Trantham to instruct the City's lobbyist to vigorously oppose HB 173, on the City's behalf. Voice vote. Motion carried unanimously.

Councilman Trantham thanked department heads for management reports, thanked Mr. Metcalfe for his trip report, and thanked Connie Tucker for her report regarding the Interagency Training for Wetland Permitting Assistance. Mr. Trantham encouraged submission of reports by City employees and council members that concerned City business.

**REPORTS OF STANDING
COMMITTEES**

Committee/Commission meetings scheduled for March were announced.

Councilman Trantham reported that the Youth Services Committee met on March 1. One of the projects of the committee is development of goals and objectives. Mr. Trantham also reported that the Youth Center has had two positions for teen employment available for several months, but that the positions had not

been advertised recently. He asked that the City begin advertising again for these positions. City Manager Gross stated that she would look into the matter.

Councilman Vanasse reported that the Public Safety Committee met February 24th. At that meeting the Committee recommended Council approve the budget request from the Police Department to purchase three Suburban vehicles. The meeting scheduled for March 3rd was cancelled for lack of a quorum.

PEOPLE TO BE HEARD By request, a transcript of statements made during this portion of the meeting follows:

Jerry Korthuis, Public Works Department: We got a phone call today about 4:30, and I'm speaking to Mr. Trantham. I'd like to explain something to him and also to the (inaudible) Council. I got a phone call about 4:00 or 4:30 this afternoon that there was a problem up at the sewer lagoon. The bottom gates were open and flowing and things like that. I'm rather disturbed. This is the second time that's been reported, Mr. Trantham, and it's the second time that it's a false report. I want you to know that the bottom gate at the sewer lagoon is not flowing, and it is not open. I went there personally this afternoon to go check it again. It's checked every single day. With the sewer scares we have already, we do not need false reports. And that bothers me that we have false reports.

I was informed that this was known as of Monday. And that's another thing that disturbs me. Six or seven months ago, Mr. Trantham made a statement to Council saying that Council is not doing their job informing the people for the health and welfare of this community. In fact, he chewed you people out pretty good. Which you probably had it coming, I don't know.

Mayor Feaster: Well, if you could kind of keep things on track here. I don't want to get into a real contest.

Jerry Korthuis: I am on track because these things affect the whole community. We do not need these to come in. It not only upsets the community, because this stuff gets around. And, I wish that when reports come, that we get them--I don't mind reports coming--but we would like to get reports coming directly, immediately. And if there is something wrong, we want to know now. We do not want to know tomorrow, the next day, two weeks later. This is not--I have to say something about this tonight because it's been going on and it bothers me tremendously. We try to keep a safe community, and I think we're doing a good job of it, although we're having lots of problems. But I just have to say that, and I'll let Mr. Trantham rebuttal me, or whatever. It has to be said and that's been brought out and I feel it should be brought out. That's all I've got to say.

Mayor Feaster: Well, there was a press conference, if you want to call it that, this afternoon that explained to the media what was going on at the sewer lagoon. The process--the fact that there was no flow evident from that cell of the old lagoon. That there was testing being done in conjunction with DEC to determine the source. There was also after that press conference or whatever you want to call it, the further reports from the OEH report the samples were negative for fecal coliform. The City Administration took a real active part on trying to get--because there was a potential for health....(end of one side of tape). (Beginning of second side of tape) ...which I might even want to throw a few punches in. I'll just leave it at that. Anybody else under People To Be Heard? Yes.

Councilman Dave Trantham: I very much resent Mr. Korthuis' statement. He is the one that made a false report. In November the gate was jacked open with a Come Along. Pictures were taken, Mr. Korthuis. I have eyeball witnesses to that, Mr. Korthuis. You're the one that has submitted a false report here tonight. Monday, the gate was open. I checked it. It was open Monday. Yesterday. In November the gate was jacked open 10 inches wide from the

**PAGE 6
CITY COUNCIL MINUTES
MARCH 9, 1993**

bottom, Mr. Korthuis. In your report in November you said the water was coming out black. Your written report. And very smelly. And it was because it was improperly jacked open from the bottom. It was open Monday, Mr. Korthuis, and I resent you coming here trying to discredit me again like you did in November. The gate was open yesterday. The gate was open in November. And many millions of gallons was dumped off the back of that lagoon in November. And it went down Brown Slough, but I could get nobody's attention. I thank you. I did not submit a false report.

Mayor Feaster: Well now that you're back at the table, if we could move on. People in the audience for items not on the agenda. Let's take a 10 minute break.

Recess

Council broke at 8:20 PM for a short recess. At 8:30 PM, Mayor Feaster called the meeting back to order.

OLD BUSINESS:

Item A: Public

Hearing-Ord. 93-03

**PUBLIC HEARING--ORDINANCE #93-03: REVENUE BOND
FOR THE SEWER LAGOON PROJECT**

City Manager Gross said this ordinance will set in motion the process for the \$1,000,000 request for the money that is needed to complete Phase I of the sewer lagoon. The ordinance was drafted by Tim Middleton, the City's Bond Counsel, and reviewed and approved by Sam Hardin, Farmers Home Administration, and by City Attorney, Brooks Chandler.

Mayor Feaster opened the meeting to the public. Receiving no comments from the public, the hearing was closed.

A telephone conference with Tim Middleton was held. Mr. Middleton summarized the key points of the proposed bond ordinance, and a brief question and answer period followed.

motion

M/M by Vanasse, 2nd by Jones to approve Ordinance #93-03: Revenue Bond for the Sewer Lagoon Project, as presented, to become effective immediately. Poll vote. Motion carried unanimously. 6-yes.

Item B: Public
Hearing Ord.
#93-02-A

**PUBLIC HEARING--ORDINANCE #93-02-A: BUDGET
AMENDMENT**

Finance Director Larry Elam reviewed the proposed six-month budget amendment. Mayor Feaster opened the meeting to the public. Receiving no comments from the public, Mayor Feaster closed the hearing.

Discussion regarding the budget amendment was held. Councilman Warner spoke in opposition to the purchase of three Suburban vehicles for the Police Department and to the addition of the position of Police Investigator at mid-year. It was the consensus of the Council that a vehicle and equipment replacement policy should be established and a work session for April 7 scheduled to begin the preparation of the policy.

motion

M/M by Vanasse, seconded by Metcalfe to approve Ordinance #93-02-A six-month budget revisions as presented. Poll vote. Motion carried. 4- yes; 2-no (Feaster, Warner).

Item C: Dock
Accts. Rec.

OUTSTANDING ACCOUNTS RECEIVABLE--DOCK FUND

Following a review of the port records, Port Director Stuart Greydanus reported that the correct amount required to write-off the Kemp-Palucci uncollected accounts receivable was \$19,458.64.

motion

M/M by Warner, seconded by Trantham that Administration be allowed to close the books on the uncollectible Kemp-Palucci accounts receivable in the amount of \$19,458.64 and that the Port Director work with the Finance Department and the auditors to accomplish the write-off.

NEW BUSINESS:

Item A: Introd.
Ord. #93-04

**INTRODUCTION OF ORDINANCE #93-04: AN ORDINANCE
AMENDING TITLE 2, CHAPTER 04, ORDER OF
BUSINESS, AND ADDING SECTION 045, CONSENT
AGENDA**

Mayor Feaster explained that Ordinance #93-04 would change the order in which Council conducts its regular meetings and would add

the section "Consent Agenda" which would separate consent items from action items. All items on the Consent Agenda could be approved by one motion, and items could be taken from the Consent Agenda and placed on the regular agenda for discussion if a council member wants further consideration of an item or items. Councilman Vanasse asked if the Introduction of the Ordinance as presented could be amended. A brief discussion followed.

motion M/M by Trantham, seconded by Vanasse to table Introduction of Ordinance #93-04 until the March 23, 1993, regular Council meeting. Poll vote. Motion failed. 2-yes; 4-no (Feaster, Jones, Metcalfe, Warner).

motion M/M by Warner, second by Jones to introduce Ordinance #93-04 for public hearing to be held March 23, 1993. Poll vote. Motion carried. 4-yes; 2-no (Vanasse, Trantham).

**Item B: Proposed
IFB Small Boat
Harbor**

**PROPOSED INVITATION FOR BID FOR THE DREDGING OF
THE SMALL BOAT HARBOR**

Discussion regarding putting a bid out for dredging of the small boat harbor versus completing the project in-house was held. It was pointed out that the project had to be completed the earth has thawed to a depth of no more than six inches. There was concern that the Public Works Department would not be able to complete the project before thawing because of the staffing and equipment requirements on the sewer lagoon project. It was also pointed out that if the remainder of the project was to be contracted out a decision should be made quickly as the noticing requirement for an invitation for bid was thirty days.

motion M/M by Trantham, second by Jones that the balance of the work to complete the dredging of the Small Boat Harbor be contracted out. Voice vote. Motion carried unanimously.

motion M/M by Jones, 2nd by Trantham to continue meeting past 10:00 PM. Voice vote. Motion carried unanimously.

Item C: Doyle
Gravel Agreement

DOYLE GRAVEL AGREEMENT

City Manager Gross advised Council that Ralph Doyle had requested a change in the gravel agreement that Council approved August 25, 1992. That agreement required Mr. Doyle pay a monthly rental rate of \$800 or a charge of \$35.00 per ton to the City in lieu of cash payment. Mr. Doyle was now requesting a monthly rental rate of \$400 with an expiration date of August 1, 1993, and \$42.50 per ton as the price of gravel to the City in lieu of cash payment. Following discussion, Council directed City Manager Gross to inform Mr. Doyle that the agreement approved August 25, 1992, would not be amended as requested by Mr. Doyle.

Item D: Executive
Session

EXECUTIVE SESSION: LEGAL STRATEGY--PACIFICA
LEASE

motion

M/M by Jones, 2nd by Warner to go into Executive Session for the purpose of discussing legal strategy regarding the lease with Pacifica Institute. Voice vote. Motion carried unanimously.

motion

M/M by Jones, 2nd by Warner to come out of Executive Session. Voice vote. Motion carried unanimously.

motion

M/M by Jones, 2nd by Vanasse to adjourn the meeting at 11:45. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 23rd DAY OF March, 1993.

James H. Feaster III
James H. Feaster III, Mayor

ATTEST:

Jane Elam
Jane Elam, City Clerk