

CITY OF BETHEL
CITY COUNCIL

Regular Meeting of November 23, 1993

I. CALL TO ORDER

The meeting was convened at 7:30 p.m. by Mayor Chris in the Log Cabin, Bethel, Alaska.

II. ROLL CALL

Present: Chris, Jones, Metcalfe, Miller, Trantham, Tubbs, Wintersteen

III. APPROVAL OF MINUTES

motion M/M by Wintersteen, 2nd by Jones to approve the minutes of the November 16, 1993, regular meeting as presented. Voice vote. Motion carried unanimously.

IV. APPROVAL OF CONSENT AGENDA/REGULAR AGENDA

motion M/M by Metcalfe, 2nd by Miller to amend the agenda by adding Legal Strategy--Miller v. City of Bethel to New Business Item E: Executive Session. Voice vote. Motion carried unanimously.

V. MAYOR'S REPORT

Mayor Chris referred Council to her written report. In addition, Mayor Chris read a Proclamation proclaiming the week of November 29-December 4, 1993, World AIDS Awareness Week in Bethel.

motion M/M by Metcalfe, 2nd by Jones to approve the Proclamation. Voice vote. Motion carried unanimously.

VI. MANAGER'S REPORT

City Manager Hunter reviewed his written report with Council and requested direction on the following items:

motion 1. Fuel Hauling Contract
M/M by Trantham, 2nd by Jones to award the Fuel Hauling Bid to Hoffman Fuel. Voice vote. Motion carried unanimously.

2. OJT Contract
motion M/M by Metcalfe, 2nd by Jones to approve the OJT contract for the Communications Officer with AVCP. Voice vote. Motion carried unanimously.

3. Receiving Home Site
Council member Miller announced that a public forum would be held December 2, 1993, for the participating agencies to arrive at a consensus on site selection. The Council took no action on this request from the City Manager.

VII. REPORTS OF STANDING COMMITTEES

Scheduled dates for upcoming committee/commission meetings were announced.

Council member Jones reported the Finance Committee's recommendations to Council that any motion or ordinance with a financial impact should have a financial impact statement attached and that Title 13 be amended to change the delinquent date from the 15th of the month to the 20th for water/sewer/solid waste bills, provided the change would not cost the City more than \$1000.

Council member Metcalfe reported that Robert Graham had withdrawn his variance request to the Planning Commission and that the Commission was looking at strengthening the ordinances to enforce safety codes.

Council member Miller reported that the Public Works Committee would hold a work session to review candidates for the Director of Public Works position on November 24 at 7:30 p.m.

Council member Trantham reported that the Youth Services Committee was sponsoring an Open House at the Youth Center on December 6 at 7:30 p.m.

VIII. PEOPLE TO BE HEARD

At 8:30 p.m., Old Business Item A was suspended in order to hear the People to be Heard portion of the meeting. The Old Business Item A portion was completed following People to be Heard.

Mayor Chris opened the People to be Heard portion of the agenda by stating that people in the audience who wished to address items that were on the agenda would be allowed to do so.

motion M/M by Jones, 2nd by Tubbs that the People to be Heard portion of the agenda be for people who wished to address items that are not on the agenda only. Voice vote.

Motion carried, 4-yes, 3-no (Chris, Miller, Trantham).

Michael Faubion, *Tundra Drums* reporter stated that he was resigning and that this would be his final meeting.

Joe Bowles stated that the Council should remember who elected them to their seats and let people speak during People to be Heard on agenda and non-agenda items.

Council broke at 8:45 p.m. for a short recess. At 8:55 p.m., Mayor Chris called the meeting back to order.

IX. OLD BUSINESS

Item A: Public Hearing-Ordinance #93-32: An Ordinance Amending Title 5, Chapter 5.20.040, Entitled Vehicle Inspections

Mayor Chris opened the Public Hearing.

Frank Mazarro asked when this ordinance would take effect and who would do the inspections.

There being no other people who wished to speak, Mayor Chris closed the Public Hearing.

Council member Trantham stated that the Transportation Commission sent a letter to all licensed garages in the City soliciting responses to the proposed ordinance, and that the standards in the proposed ordinance were developed in coordination with the response received.

motion M/M by Jones, 2nd by Trantham to approve Ordinance #93-32 as presented with an effective date of January 1, 1993.

Motion and second withdrawn.

motion M/M by Jones, 2nd by Miller to approve Ordinance #93-32 with the provision that all garages licensed by the City and State be allowed to perform inspections as long as no conflict of interest existed, with an effective date of February 1, 1994.

At 8:30 p.m. in order to hear the People to be Heard portion of the meeting, the Old Business Item A portion was suspended.

Continuation of Old Business Item A:
Motion and second withdrawn.

motion M/M by Jones, 2nd by Miller to approve Ordinance #93-32

with the provision that all garages licensed by the City and State, that have no conflict of interest and that meet the standards to perform the inspections as certified by City Administration be allowed to perform the inspections with an effective date of February 1, 1994. Poll vote. Motion passed unanimously.

Item B: Public Hearing-Ordinance #93-33: An Ordinance Clarifying the Definition of Retail Sales Transaction for Purposes of City's Sales Tax

Mayor Chris opened the Public Hearing.

Frank Mazarro asked how the retroactivity affected any taxpayer.

Finance Director Elam stated that the proposed ordinance had no effect on taxpayers, it only made the definition of the word "goods" retroactive.

John Abrant asked if there would be any change to the value of goods.

Finance Director Elam stated that there would be no change, the proposed ordinance was simply clarifying the word "goods".

There being no other person who wished to speak, Mayor Chris closed the Public Hearing.

motion M/M by Miller, 2nd by Jones to accept Ordinance #93-33 as presented. Poll vote. Motion carried unanimously.

Item C: Public Hearing-Ordinance #93-35: An Ordinance Amending Title 6, Chapter 6.04.020 Entitled Care and Restraint of Dogs and Chapter 6.04.090(A) Entitled Penalties

Mayor Chris opened the Public Hearing.

Police Chief Chris Liu spoke in favor of the proposed ordinance amendment, stating that it would address problems not covered in Alaska Statutes.

In response to a question from Council member Metcalfe, Chief Liu stated that once a complaint is validated, a letter is sent to the dog's owner and if the problem persists, a second violation results in a citation.

A lady in the audience asked if the proposed ordinance amendment was appropriate in a dog team community, and how would the Police differentiate dog team barking and nuisance barking.

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J.P. Creighton stated the City has a hard time handling crime as it is, and that the proposed ordinance amendment would harass sled dog owners.

John Abrant, Chairman of the Public Safety Committee, stated that the Committee had recommended this proposed amendment come before the Council, and that the purpose of the proposed ordinance amendment was to avoid situations that would otherwise get out of hand.

Frank Mazarro stated that the dogs in his yard are supposed to bark at things that are not supposed to be in his yard.

Chief Liu stated that it is the responsibility of the Animal Control Officer to enforce this ordinance. He also stated that people are shooting at animals because of this problem.

There being no other people who wished to speak, the Mayor closed the Public Hearing.

motion M/M by Jones, 2nd by Tubbs to approve Ordinance #93-33 as presented. Poll vote. Motion carried, 5-yes, 2-no (Metcalf, Miller).

X. NEW BUSINESS

Item A: Presentation by Matt Stephl, CH2M Hill

Matt Stephl of CH2M Hill Engineers, addressed the Council on the draft Preliminary Design City Subdivision Water and Sewer System. Mr. Stephl estimated the cost of the project to be \$11 million and stated the City would have to acquire 8500 feet of new easements for the system.

Discussion followed between Mr. Stephl and Council members.

motion M/M by Metcalfe, 2nd by Jones to continue past 10:00 p.m. Voice vote. Motion carried unanimously.

Item B: Gaming Permit Applications

Passed by Consent as presented.

Item C: Introduction of Ordinance #93-36: A Temporary Ordinance Placing a Freeze on the Issuance of Permits for Vehicles for Hire as of November 17, 1993

Passed by Consent as presented.

Item D: Introduction of Ordinance #93-37: An Ordinance Amending Title 2, Chapter 2.04.200 Entitled Rules of Order

motion M/M by Miller, 2nd by Jones to introduce Ordinance #93-37 for Public Hearing. Voice vote. Motion carried unanimously.

Item E: Executive Session--APEA Update

motion M/M by Jones, 2nd by Tubbs to go into Executive Session for the purpose of discussing APEA update and Miller v. City of Bethel. Voice vote. Motion carried unanimously.

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

motion M/M by Wintersteen, 2nd by Jones to follow the advice of the attorney in the matter of Miller v. City of Bethel. Voice vote. Motion carried unanimously.

motion M/M by Wintersteen, 2nd by Jones to hold a special meeting at 6:00 p.m. December 14 with an agenda item of Executive Session--APEA Negotiations. Voice vote. Motion carried unanimously.

XI. COUNCIL MEMBER COMMENTS

Council member Jones stated the Mink Festival would be held December 11. Mr. Jones asked the City Manager to check with the Finance Director to match sales tax returns with Gaming Permit Applications.

Council member Metcalfe reported that he had received two requests to repair a street light near the Russian Orthodox Church. Mr. Metcalfe asked if the rumors about closing the weight room at the Youth Center were true, and recommended the Council hold a special meeting to discuss the differences of opinion among Council members concerning the agenda issues.

Council member Trantham stated that the Youth Services Committee would address the issue of the weight room at their January meeting. Mr. Trantham stated that the Planning Commission needs tools to deal with safety issues, such as old ASHA houses, and recommended the Council make an investment to protect renters.

Council member Tubbs wished everyone a Happy Thanksgiving.

Council member Miller requested the boardwalk at 3rd and Main be repaired, and asked for an update on the warning lights for the

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school crossings. Mr. Miller stated he would introduce a resolution on road maintenance, and that the Recycling Agreement was a requirement of obtaining a DEC landfill permit.

Mayor Chris stated that she was frustrated with the Council not allowing people to speak. She stated she had spoken with other cities at the AML conference and they all have a place for people to speak on agenda items. She stated that she is not readily accessible outside of Council meetings and members of the community have to be allowed to address the Council. She asked the Council to come to a consensus on the Mayor's role.

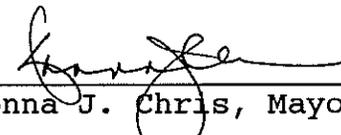
Council member Metcalfe asked if the Council would take action on the City Clerk's request to serve as Secretary of the Alaska Association of Municipal Clerks.

motion M/M by Jones, 2nd by Metcalfe to approve the City Clerk's request to serve as Secretary of the Alaska Association of Municipal Clerks. Voice vote. Motion carried unanimously.

XII. ADJOURNMENT

motion M/M by Jones, 2nd by Wintersteen to adjourn the meeting at 11:10 p.m. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 14TH DAY OF DECEMBER, 1993.



Donna J. Chris, Mayor

ATTEST:



Connie Tucker, Acting City Clerk