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# City of Bethel, Alaska

## City Council Minutes

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October 23, 2001

Regular Meeting

Bethel, Alaska

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### CALL TO ORDER

A regular meeting of the Bethel City Council was held on October 23, 2001, at 6:30 p.m. in the Council chambers, Bethel, Alaska.

Mayor Rodgers called the meeting to order at 6:36 p.m.

### ROLL CALL

Comprising a quorum of the Council, the following were present:

Jerry Drake	Stanley "Tundy" Rodgers
Carl Berger	
Hugh Short, Jr.	

Also in attendance were the following:

Robert Herron, City Manager  
Colleen Soberay, City Clerk

### PEOPLE TO BE HEARD

**Yolanda Jorgenson**, manager of Northern Lights restaurant, thanked people for voting to repeal the plastic bag ordinance #01-17. She also expressed her interest to serve on the Public Works Committee and said her application has been turned in to Council.

**Jim Libby**, cab driver, said the cab industry has received unfair press recently in regard to a rate increase. He explained rates have only been raised once in seven years. He also explained why the cab industry asked for the original emergency increase—increase in operating costs. Mr. Libby said the Public Safety and Transportation Commission apologized for the rate confusion. He also said the City is growing and the cab industry needs to be in the 21<sup>st</sup> Century. Mr. Libby said it is true that some cab drivers do foolish things, but also said that regular drivers are often very rude to cab drivers. He said as Council looks at modernizing the City, Council should take the cab industry needs into consideration such as load/unload zones.

### APPROVAL OF MINUTES

<b>MOVED BY:</b>	Drake	To approve the minutes of the October 9, 2001 regular meeting
<b>SECONDED BY:</b>	Short	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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## APPROVAL OF AGENDA

<b>MOVED BY:</b>	Drake	To approve the regular agenda and consent agenda after removing old business item C from the agenda and adding new business item F: PSTC Promulgation of Regulations; G: Ordinance 01-39; H: Resolution #01-42; and executive session item B: Follow-up on legal matters/tasks assigned; C. BNC legal negotiations
<b>SECONDED BY:</b>	Berger	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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## MAYOR'S REPORT

The Mayor's Report included the following:

- Governor's Talking Points for the week of October 8 and 15, 2001
- Letter from Lt. Gov Fran Ulmer — *Re:* Elections, specifically changes in primary election laws in Alaska
- Letter from AML/JIA — *Re:* Board of Trustees, Board Application
- Letter from YKHC — *Re:* Empowerment Zone application and thanking the City of Bethel for its involvement and support
- AML Local Government Conference and Newly Elected Officials Seminar — tentative agenda

## MAYOR'S APPOINTMENTS

<b>MOVED BY:</b>	Drake	To appoint Yolanda Jorgenson to the Public Works Committee
<b>SECONDED BY:</b>	Berger	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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<b>MOVED BY:</b>	Short	To appoint Michael Cho to the Public Safety and Transportation Commission
<b>SECONDED BY:</b>	Drake	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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The city manager said, for FYI, that Senator Murkowski and Lt. Gov. Ulmer are running for Governor.

## MANAGEMENT TEAM'S REPORT

City Manager Herron, noted the management reports included in Council packets.

Council member Berger referred to the Chief of Police management report in that he was surprised to read Chief Pettitt's remarks that the police department doesn't get support from the community or Council. He explained that he appreciates the difficulty the police have had in staffing and understands the officers are overworked. He said Council has made opportunities available to the Chief and city clerk to find funding; researched possibilities of additional building space for the department and has supported the police. He said Council is trying to support the Police, but a new facility doesn't happen overnight. Council member Berger said if Chief Pettitt feels Council doesn't appreciate the department he would like the Chief to tell the Council directly.

City manager Herron explained the police department had a staff meeting recently in which he was invited to attend. He said there are a lot of opportunities for Council to interact with the Chief, but Council has few opportunities to interact with the employees. City manager Herron said the Chief understands it is a complex set of circumstances facing the department daily. He also said the Chief is not relaying his personal feelings; he is relaying the feelings of his staff—comments which were brought up at the staff meeting. The city manager encouraged Council and others to make themselves available for a police department staff meeting so that Council could hear officer concerns directly and not through the Chief. Discussion briefly ensued.

## **REPORTS OF STANDING COMMITTEES**

### **Senior Advisory Board**

Council member Berger said the SAB was scheduled to meet October 16, but did not have a quorum. He said the meeting has been rescheduled for October 26. Mr. Berger also reported on his attendance at the Trans Tech Alaska 2001 Conference in regard to public transportation/transit programs and funding.

### **Parks and Recreation Committee**

Council member Short said the committee was scheduled to meet but did not have a quorum. Mr. Short said the meeting has been rescheduled for October 24.

### **Planning Commission**

*Council member Notti was not present.*

### **Port Commission**

Mayor Rodgers said the commission met October 15 and reviewed the agenda and minutes in the council packet.

### **Public Works Committee**

Council member Drake said the committee met October 16. He said items discussed/reviewed included the recycling center report; dust buster report to generate ideas to help; ONC received a grant for monitoring air quality; used oil, glycol, batter disposal. On a side-note Mr. Drake up-dated Council, as reported on at the AML Board meeting, that DOT is trying to do away with municipal inclusion in the planning processes for DOT projects that run through municipalities. He said Commissioner Perkins is in favor of working together with communities to make sure the State does include communities in its planning processes. Mr. Drake said he would keep the Council up-dated.

### **Public Safety and Transportation Commission**

*Council member Pavil was not present.*

### **Finance Committee**

The city clerk said the committee is scheduled to meet October 25.

## UNFINISHED BUSINESS

### Item A — Public Hearing — Ordinance #01-37: An ordinance authorizing a lease for purposes of providing the necessary public service of proper used-battery disposal

<b>MOVED BY:</b>	Drake	To adopt ordinance #01-37
<b>SECONDED BY:</b>	Berger	

City manager Herron commented on concerns brought up at the last council meeting in regard to the storage of used batteries. City manager Herron explained the process of collection and storage and preparation for shipment. Discussion briefly ensued.

<b>VOTE ON MOTION</b>	Motion carried by unanimous roll-call vote 4-0
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### Item B — Re-Introduction — Ordinance #01-18: An ordinance amending certain sections of Title 14 Harbors and Ports regarding payment of fees and charges

<b>MOVED BY:</b>	Drake	To introduce ordinance #01-18 and set public hearing for November 13, 2001
<b>SECONDED BY:</b>	Berger	

City manager Herron explained that because the Port Commission made significant changes to the ordinance it is recommended that the ordinance be re-introduced.

<b>VOTE ON MOTION</b>	Motion carried by unanimous roll-call vote 4-0
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### Item C — Discussion: T. Miller's Chauffeur's permit

*Item C was removed from the agenda.*

### Item D — AML Board Seat District 9—Lower Kuskokwim

The city clerk explained the election procedure at the AML Local Government Conference. She also said that the council member that would not run for the Board seat would need to call AML and withdraw his candidacy. Council member Berger said because he has applied to serve on another committee, he would withdraw his candidacy to allow Council member Drake to run for the District 9 seat.

## NEW BUSINESS

### Item A — Resolution #01-38: Vehicle donated to LKSD to be used as truant vehicle

City manager Herron explained the reverter clause added, as requested by Council at the October 9 meeting. City manager Herron said Ken Harding from LKSD was in attendance to speak to this ordinance. Mr. Harding said he appreciates Council's consideration and hopes Council passes Res. #01-38. He also briefly explained the program and provided Council with LKSD Truancy brochures.

<b>MOVED BY:</b>	Drake	To adopt Res. #01-38
<b>SECONDED BY:</b>	Berger	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote
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**Item B — Resolution #01-39: Authorizing submittal of the Community Development Block Grant and certifying compliance with requirements for the purpose of funding a bus barn for the Senior Center**

<b>MOVED BY:</b>	Berger	To adopt Res. #01-39
<b>SECONDED BY:</b>	Drake	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote
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**Item C — Resolution #01-40: Support for grant efforts to secure funding for recycling equipment for the Bethel Recycling Center**

<b>MOVED BY:</b>	Drake	To adopt Res. #01-40
<b>SECONDED BY:</b>	Berger	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote
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**Item D — Resolution #01-41: Shared fisheries business tax program**

<b>MOVED BY:</b>	Drake	To adopt Res. #01-41
<b>SECONDED BY:</b>	Berger	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote
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**Item E — Introduction — Ordinance #01-38: An ordinance amending Chapter 13.04 of the BMC to add a provision for sale of metered water in bulk quantities**

<b>MOVED BY:</b>	Drake	To introduce Ord. #01-38 and set public hearing for November 13, 2001
<b>SECONDED BY:</b>	Berger	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote
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**Item F — Public Safety and Transportation Commission Promulgation of Regulations**

<b>MOVED BY:</b>	Short	To adopt PSTC promulgation of regulations to increase cab rates
<b>SECONDED BY:</b>	Drake	

Council member Short said the PSTC has spent hundreds of hours involved with Ordinance #01-02 and has spent countless meetings dealing with the implementation of this ordinance for the cab industry. He said new revenue is going to the City via increased permit fees. He reviewed the new policies implemented such as trip sheets and stronger oversight of the industry by the Transportation Inspector's assistant. Mr. Short said through all of these changes, the cab industry has requested emergency rate increases, but this is only one part of the new ordinance requirements. He said because of these changes imposed on the cab industry, who have accepted these changes, it would be in bad faith for the Council to reject the cab industry's request for a rate increase. He also reminded Council that the cab industry has had only one rate increase in seven years and that operating costs have continued to increase.

Mayor Rodgers said all of the promises made by the cab industry have fallen short. He asked where is the justification, in writing, for a rate increase. Council briefly discussed the requirements for effective dates. Council member Drake recommended this be postponed until the next Council meeting, as he would feel more comfortable if Council as a whole voted on this item. Council member Berger agreed. Discussion briefly ensued.

<b>VOTE ON MOTION</b>	Motion withdrawn by Short/Drake
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<b>MOVED BY:</b>	Short	To suspend the rules and allow someone from the community to be heard
<b>SECONDED BY:</b>	Drake	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote
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Raymond Pete, Bethel resident, congratulated Council member Short on being elected to Council and Mayor Rodgers for being elected to another term as Mayor. He said he opposes the cab rate increase, especially considering that the new post office will open further from the center of town. He said a cab rate increase would hurt people, especially elders on fixed incomes. He said the City should conduct a study to justify the rates. He said if needed, he would circulate a petition opposing the increase. Mr. Pete also stressed that there are too many cabs for Bethel's population. He asked Council to at least stall the increase for 90 days.

**Item G — Introduction — Ordinance #01-39: An ordinance authorizing the acquisition of land from Omni Enterprises, Inc.**

<b>MOVED BY:</b>	Drake	To introduce Ord. #01-39 and set public hearing for November 13, 2001
<b>SECONDED BY:</b>	Berger	

City manager Herron explained the project and said because negotiations had just concluded, this ordinance has not been brought to a public session. City manager Herron explained the property, 60,000 sq ft., and the rental agreement included with BUI.

<b>VOTE ON MOTION</b>	Motion carried by unanimous roll-call vote 4-0
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**Item H — Resolution #01-42: Inviting the Alaska Municipal League to hold the AML Summer Legislative Conference in the City of Bethel**

<b>MOVED BY:</b>	Drake	To adopt Res. #01-42
<b>SECONDED BY:</b>	Notti	

Council member Drake made a change to the ordinance in that the invitation is for the AML summer Legislative conference, not the Local Government Conference week.

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote
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**COUNCIL MEMBER COMMENTS**

**Council Member Berger** gave his condolences to the Lieb family and the Evan family. He congratulated the new committee and commission members. He thanked DOT for quickly implementing the crosswalk at the hospital. Mr. Berger also said he is interested in hearing public ideas and comments in regard to public transit.

**Council Member Sanchez-Pobrislo** — *was not present.*

**Council Member Drake** gave his condolences to the Lieb family and to the Evan family. Council member Drake also commented on a memo from the Public Works Director that requests a line item be set up in the City budget for recycling. He asked the city manager the procedure for setting up an account. The city manager explained the process and said the best time to set up an account is during mid-year budget modifications. City manager Herron also said the Council should approve the concept now to allow administration to set up an operation fund for the recycling center.

<b>MOVED BY:</b>	Drake	To allow administration to set up a recycling operation fund account
<b>SECONDED BY:</b>	Berger	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote
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**Council Member Rodgers** offered his condolences to the Lieb family and best wishes to the Evan family. He thanked DOT for expedient work on the crosswalk. He cautioned the public to drive safely with the weather conditions worsening. Mayor Rodgers said, on a harsher note, he has received numerous calls concerning in-coming freight in that the Bethel police department is confiscating the freight. He said the city manager should investigate this as it bears an investigation. He said 1<sup>st</sup> Amendment rights are being set aside and it's wrong.

**Council Member Notti** — *was not present*

**Council Member Pavil** — *was not present*

**Council Member Short, Jr.** said this was a good meeting and was glad to see public participation. He encouraged public interest in City committees and commissions.

#### EXECUTIVE SESSION

<b>MOVED BY:</b>	Berger	To go into executive session to discuss A: Clarification of legal matter; B: Follow-up on legal matters/tasks assigned; C. BNC legal negotiations
<b>SECONDED BY:</b>	Drake	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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*Council came out of executive session.*

#### ADJOURNMENT

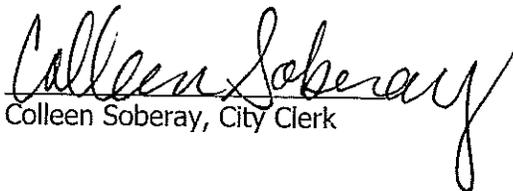
<b>MOVED BY:</b>	Drake	To adjourn the meeting.
<b>SECONDED BY:</b>	Short	

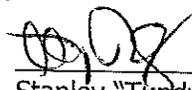
<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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With no further business before the Council, the meeting adjourned at 9:00 p.m.

**APPROVED THIS 13<sup>th</sup> DAY OF NOVEMBER 2001.**

ATTEST:

  
Colleen Soberay, City Clerk

  
Stanley "Tundy" Rodgers, Mayor