City of Bethel City Council Meeting Minutes

August 29, 2006 Regular Meeting Bethel, Alaska

I. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on August 29, 2006 at 6:30p, in the Council Chambers, Bethel, Alaska.

Mayor Williams called the meeting to order at 6:30 p.m.

II. ROLL CALL

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

Members present:
- Mayor R. Thor Williams
- Council Member Hugh Dyment
- Council Member Tundy Rodgers
- Council Member Leinberger Dan
- Council Member Andrew McGowan
- Council Member Dave Trantham
- Vice-Mayor Mary Kenick

Others present:
- City Clerk Sandra Modigh
- City Attorney Sharon Sigmon
- City Manager Wally Baird

III. PEOPLE TO BE HEARD

1. John O'Brien addressed Council to speak in favor of ordinance 06-21.
2. Rev. Wayne Ryeo addressed Council to introduce himself and had no comment for Council.
3. Choon Nam Chung addressed Council to introduce himself and had not comment for Council.
4. Ta Chung Pavik addressed Council to introduce herself and had no comment for Council.

V. APPROVAL OF THE CONSENT AGENDA AND REGUALR AGENDA

MOVED:	Trantham	To approve the agenda for the August 29, 2006 Regularly Scheduled City Council Meeting as amended removing ordinance 06-21 resolution 06-20 from the consent agenda.
SECONDED:	Leinberger	
VOTE ON MAIN MOTION	Carried: 6 - 1 Rodgers voting against.	

IV. SPECIAL ORDER OF BUSINESS

Item A- Proclamation To Proclaim September 2006 The National Alcohol And Drug Addiction Recovery Month

Mayor Williams read the proclamation for the record proclaiming the month of September 2006, The National Alcohol And Drug Addiction Recovery Month

VI. APPROVAL OF MEETING MINUTES

Item A-8/15/06 Regular Meeting Minutes

Meeting minutes approved/revised on the consent agenda

VII. REPORTS OF STANDING COMMITTEES

Parks & Recreation Committee: Vice-Mayor Kenick informed Council that the Parks & Recreation Committee last met on 8/16 and discussed the following:

- ICDBG Grant
- outcome of the Summer Celebration
- Community Dumpster program
- The following recommendations to City Council were discussed:
    1. for Council to address the City's IT Department in regards to the Parks & Recreation Department not having computer access for over 60 days
    2. City speed limits, crosswalks, and signs
- Fall Clean-Up Green-Up

Finance Committee: Council Member Leinberger informed Council that the Finance Committee has not met since the last City Council Meeting.

Alternative Energy Committee: Council Member Leinberger advised Council that the Alternative Energy Committee has not met since the last City Council Meeting.

Public Works Committee: Council Member McGowan advised Council that he was attending a City Council meeting during the last Public Works Committee meeting; however, he informed Council that the following was discussed:

- Utility rates
- City Sub grinder pumps
- RFP for waste water treatment

Port Commission: Mayor Williams informed Council that the Port Commission discussed the following at the last meeting:

- Port Commission vacancies
- Small Boat Harbor Improvements
- Petro Port
- Port and Sea Wall issues and improvements

Public Safety & Transportation Commission: Council Member Dyment stated that the PS&T Commission last met on 8/28/06 and discussed the following:

- Recommendations to Council
    1. Policies of off road vehicles
    2. Controlled substance testing policy
    3. Cab fare increase
    4. Division of the PS&T Commission
    5. Stop sign for the Post Office side drive
- Ordinance 06-21
- Commission vacancies

Council Member Trantham stated that he has not been appointed to a committee or a commission; therefore, he would yield his time.

Planning Commission: Council Member Rodgers advised Council that he was ill and unable to attend the last Planning Commission meeting and suggested that the Planning Director address Council to provide an update.

MOVED:	Trantham	To suspend the rules to allow the Planning Director to update Council on the discussions of the last Planning Commission meeting.
SECONDED:	Leinberger	
VOTE ON MAIN	Carried unanimously.	

MOTION	

Council Member Rodgers was provided a copy of the meeting minutes to update Council on the following Planning Commission discussions:

- DEC ground sampling
- Code Enforcement activity
- Council Member Rodgers thanked the Planning Department for a job well done
- Alaska Commercial found encroaching on the City's land
- AVCP water & sewer solution
- Clean up goals and progress

Council concurred to recess from 7:22 p.m. until 7:35 p.m.

MOVED:	Leinberger	To suspend the rules to move item C under new business to item A under unfinished business.
SECONDED:	Dyment	
VOTE ON MAIN MOTION	Carried unanimously.	

III. UNFINISHED BUSINESS

Item A- Approval Of The Lease With The Korean Church

MOVED:	Dyment	To approve the lease between the City of Bethel and the Korean Church for the Bethel Boys Group Home as amended.
SECONDED:	Trantham	

The City Manager advised Council that there are two areas within the lease that need to be addressed by Council which is section .4-Terms and section .5-Rent.

Council and the City Manager discussed the actual property underneath the Boys Group Home.

MOVED:	McGowan	To amend the lease to state that this lease is not effective until a MOA is settled between the parties with regards to the exchange of the buildings located on the respective properties and access to the property located behind this property is established.
SECONDED:	Kenick	
VOTE ON MAIN	Carried unanimously.	

MOTION	
VOTE ON MAIN MOTION	Carried unanimously.

Item B- <u>Public Hearing Ordinance 06-15</u>: An Ordinance Amending Section 2.04.140 Of The Bethel Municipal Code-Organization Of Council

<u>Public Hearing:</u>
None

MOVED:	Trantham	To adopt ordinance 06-15: An Ordinance Amending Section 2.04.140 Of The Bethel Municipal Code-Organization Of Council as amended.
SECONDED:	Rodgers	

MOVED:	Rodgers	To amend the effective date to be set as of July 1, 2007.
SECONDED:	Leinberger	

MOVED:	Dyment	To amend the amendment to have the effective date read as follows: This ordinance shall become effective by the Bethel City Council to be implemented for the October 2007 Regular City Election.
SECONDED:	Kenick	

VOTE ON MAIN MOTION	Carried: 5 - 2 Williams, Trantham voting against.

VOTE ON MAIN MOTION	*No vote on motion per amendment*

MOVED:	Dyment	to place ordinance 06-15 on the 2006 City ballot as an advisory vote
SECONDED:	McGowan	

VOTE ON MAIN MOTION	*Motion declared out of order*

Council concurred to recess from 8:20 until 8:30p

MOVED:	Leinberger	To amend ordinance 06-15 to add section E. The terms for Council seats to be elected in 2007, shall be one year terms. The proposed section E. would then be designated as section F. and section F. as section G.
SECONDED:	Dyment	
VOTE ON MAIN MOTION	Carried unanimously.	

VOTE ON MAIN MOTION	Failed: 3 - 4 Rodgers, Leinberger, and Trantham voting for.

Item C-<u>Public Hearing Of Ordinance 06-17</u>: An Ordinance Amending Section 4.16.180 Of The Bethel Municipal Code Regarding Changing Penalties For Taxes Not Paid And Establishing New Penalties For Tax Reports Not Filed

<u>Public Hearing:</u>

1. Andrew Stemp addressed Council to speak in opposition of ordinance 06-17.
2. Ray Watson addressed Council to state that this is a community honesty issue but feels that the community has grown and the system has not.

MOVED:	Rodgers	To adopt ordinance 06-17: An Ordinance Amending Section 4.16.180 Of The Bethel Municipal Code Regarding Changing Penalties For Taxes Not Paid And Establishing New Penalties For Tax Reports Not Filed
SECONDED:	Dyment	
VOTE ON MAIN MOTION	Carried: 5 - 2 Williams, McGowan voting against.	

Item D- <u>Public Hearing Of Ordinance 06-18:</u> An Ordinance Modifying Chapter 2.25 Of The Bethel Municipal Code By Dividing The Public Safety And Transportation Commission Into Two Separate Entities; And Making Conforming Changes To The Bethel Municipal Code

<u>Public Hearing:</u>
None

MOVED:	Rodgers	To adopt ordinance 06-18: An Ordinance Modifying Chapter 2.25 Of The Bethel Municipal Code By Dividing The Public Safety And Transportation Commission Into Two Separate Entities; And Making Conforming Changes To The Bethel Municipal Code
SECONDED:		
VOTE ON MAIN MOTION	*Failed for lack of a second*	

Item E- <u>Public Hearing Of Ordinance 06-19:</u> An Ordinance Amending Section 2.04.050 (A) Of The Bethel Municipal Code Relating To The Order Of Business Conducted At City Council Regular Meetings

<u>Public Hearing:</u>
None

MOVED:	Kenick	To adopt ordinance 06-19: An Ordinance Amending Section 2.04.050 (A) Of The Bethel Municipal Code Relating To The Order Of Business Conducted At City Council Regular Meetings
SECONDED:	Trantham	

MOVED:	Dyment	To amend the motion to insert Recommendations to City Council from Committees & Commissions after approval of the meeting minutes and before unfinished business.
SECONDED:	Leinberger	
VOTE ON MAIN MOTION	Failed: 3 - 4 Dyment, Leinberger, and Kenick voting for.	

VOTE ON MAIN MOTION	Carried: 4 - 3 Williams, Rodgers, McGowan voting against.

Item F- Introduction Of Ordinance 06-12 (A): An Ordinance Of The Bethel City Council Amending The Adopted FY 2006-07 Budget Establishing A Separate Travel/Training Budget Line Item For Staff Attorney

Public Hearing:

1. John Sargent, City of Bethel Grant Manger, addressed Council to speak in opposition of ordinance 06-12 (A).

MOVED:	Leinberger	To adopt ordinance 06-12 (A): An Ordinance Of The Bethel City Council Amending The Adopted FY 2006-07 Budget Establishing A Separate Travel/Training Budget Line Item For Staff Attorney
SECONDED:	Dyment	

MOVED:	Trantham	To table ordinance 06-12 (A) permanently
SECONDED:		
VOTE ON MAIN MOTION	*Failed for lack of a second*	

VOTE ON MAIN MOTION	Carried: 6 - 1 Trantham voting against.

MOVED:	Dyment	to suspend the rules to proceed past 10p and to recess for 10 minutes
SECONDED:	Kenick	
VOTE ON MAIN MOTION	Carried: 6 - 1 Rodgers voting against.	

Item G-Public Hearing Of Ordinance 06-12(B): An Ordinance Of The Bethel City Council Amending The Adopted Annual FY 2006-07 Budget Reducing General Fund Expenditures To Cover Anticipated Loss Of Sales Tax Revenue Related To Adoption Of New Sales Tax Exemption For Senior Citizens On Heating Fuel

Public Hearing:

1. Ben Dudley, City of Bethel Chief of Police, addressed Council to speak in opposition of ordinance 06-12 (B).

MOVED:	Dyment	To adopt ordinance 06-12 (B): An Ordinance Of The Bethel City Council Amending The Adopted Annual FY 2006-07 Budget Reducing General Fund Expenditures To Cover Anticipated Loss Of Sales Tax Revenue Related To Adoption Of New Sales Tax Exemption For Senior Citizens On Heating Fuel
SECONDED:	Rodgers	

MOVED:	McGowan	To direct admin to rewrite the senior tax exemption to include fuel, water, sewer, garbage, rent, food, and clothing to exclude big ticket items i.e. boats, snowmobiles etc... and to have income standards used by the state of Alaska public assistance to determine who can use the benefit
SECONDED:	Leinberger	

MOVED:	Dyment	To table ordinance 06-12 (B)
SECONDED:	Leinberger	
VOTE ON MAIN MOTION	Carried unanimously.	

VOTE ON MAIN MOTION	*No vote, ordinance tabled*

VOTE ON MAIN MOTION	*No vote, ordinance tabled*

MOVED:	Leinberger	To direct admin to revise the senior tax exemption to include fuel, water, sewer, garbage, rent, food, and clothing to exclude big ticket items i.e. boats, snowmobiles etc... and to have income standards used by the state of Alaska public assistance to determine who can use the benefit
SECONDED:	Dyment	

Council Member Trantham requested a conflict of interest

MOVED:	Dyment	To dispute the request for a conflict of interest for Council Member Trantham
SECONDED:	Leinberger	
VOTE ON MAIN MOTION	Carried unanimously	

VOTE ON MAIN MOTION	Carried: 6 - 1 Trantham voting against.

Item H- <u>Resolution 06-19:</u> A Resolution Giving Notice Of The City's Intent To Reimburse Capital Expenditures For Court Complex Expansion Project With Tax-Exempt Funding Proceeds

MOVED:	Leinberger	To adopt resolution 06-19: A Resolution Giving Notice Of The City's Intent To Reimburse Capital Expenditures For Court Complex Expansion Project With Tax-Exempt Funding Proceeds
SECONDED:	Dyment	

Council debated the Court Complex Expansion project and expenditures related to the project.

MOVED:	Trantham	To suspend the rules to proceed past 11p
SECONDED:	Dyment	
VOTE ON MAIN MOTION	Carried: 6 - 1 Rodgers voting against.	

VOTE ON MAIN MOTION	Carried unanimously.

Item I- Approval Of Renegotiated Alaska Court System Lease

MOVED:	Dyment	To approve the proposed renegotiated Alaska Court System lease
SECONDED:	Trantham	

City Manager Baird advised Council that is it his suggestion to proceed with the proposed lease.

MOVED:	Leinberger	To table the approval of the lease until the next City Council Meeting
SECONDED:	McGowan	
VOTE ON MAIN MOTION	Carried: 5 - 2 Rodgers, Trantham voting against.	

VOTE ON MAIN MOTION	*Tabled until the 9/12/06 Council Meeting*

IX. NEW BUSINESS

Item A- <u>Introduction Of Ordinance 06-21:</u> An Ordinance Amending Section 10.02.455 Of The Bethel Municipal Code Pertaining To The Operation Of Snowmobiles And Other Off-Highway Vehicles On Highway And Other Locations

MOVED:	Rodgers	To introduce ordinance 06-21: An Ordinance Amending Section 10.02.455 Of The Bethel Municipal Code Pertaining To The Operation Of Snowmobiles And Other Off-Highway Vehicles On Highway And Other as amended.
SECONDED:	Leinberger	

MOVED:	Dyment	To suspend the rules to allow the police

		consequences.
VOTE ON MAIN MOTION	Carried unanimously.	

Chief Dudley addressed Council to state that he and the Police Departments interpretation of the law are the same as state statute including the requirement of a license for operation of a motor vehicle on a roadway.

MOVED:	Dyment	To table ordinance 06-21 to allow Council to review the amended draft provided by the PS&T Committee
SECONDED:	Kenick	
VOTE ON MAIN MOTION	Failed unanimously.	

MOVED:	Dyment	To suspend the rules to proceed past 12a
SECONDED:	Trantham	
VOTE ON MAIN MOTION	Carried: 5 - 2 Rodgers, Kenick voting against.	

MOVED:	Rodgers	To amend the ordinance to reflect the proposed revisions made by the PS&TC
SECONDED:	Dyment	

MOVED:	Leinberger	To add an additional Public Hearing on ordinance 06-21 at the 9/26/06 City Council Meeting.
SECONDED:	Dyment	
VOTE ON MAIN MOTION	Carried unanimously.	

VOTE ON MAIN MOTION	Carried unanimously.

VOTE ON MAIN MOTION	Carried unanimously.

Council concurred to recess from 12:03a until 12:14a

Council Member Rodgers and Vice-Mayor Kenick exited the meeting during the break.

Item B- Resolution 06-20: A Resolution Requesting FY07 Payment In Lieu Of Taxes Funding From The Department Of Commerce, Community, And Economic Development

MOVED:	Trantham	To adopt resolution 06-20: A Resolution Requesting FY07 Payment In Lieu Of Taxes Funding From The Department Of Commerce, Community, And Economic Development
SECONDED:	Dyment	
VOTE ON MAIN MOTION	Carried unanimously.	

X. MAYOR'S REPORT

- Would like to see a Governors debate about rural issues
- Stated that he would like to see the City working closer with other local agencies
- Discussed the Mayors conference regarding Global Warming

XI. MANAGER'S REPORT

- Advised Council that he and the Mayor met with a representative from Governor Murkowski's office to discuss the importance of keeping appointments when they are made
- Attended the meeting with Alaska Department of Transportation regarding the following:
  - a post bid meeting regarding airport construction
  - Update on construction of Chief Eddie Hoffman Hwy and Tundra Ridge Road
  - 2007-2009 STIP
  - applications are being accepted for Kenick Construction

XII. CITY CLERK'S REPORT

- Codification/BMC
- Elections
- Newsletter

Council concurred to postpone distribution of the next newsletter until after the Municipal Election in October.

ADJOURNMENT

MOVED:	Dyment	To adjourn meeting at 12:39 a.m.
SECONDED:	Leinberger	
VOTE ON MAIN MOTION	Carried unanimously.	

With no further business before the Council, the meeting adjourned at 12:39 A.M.

APPROVED THIS 12th DAY OF SEPTEMBER, 2006.

R. Thor Williams, Mayor

ATTEST:

Sandra Modigh, City Clerk