



CITY of BETHEL

P. O. Box 388 • Bethel, Alaska 99559

543-2297 — Area Code 907

MUNICIPALITY OF BETHEL REGULAR COUNCIL MEETING

APRIL 11, 1977

COUNCIL CHAMBERS

7:30 P.M.

Meeting was called to order by Mayor Peltola at 7:30 P.M.
Present: Council Members Guinn, Elliott, Stichick, Peltola,
Charles, Hickling and Hinsvark.

INVOCATION

Invocation was given by Father Hinsvark.

APPROVAL OF MINUTES

M/M by Councilman Guinn to approve the Minutes of the March 28, 1977, Regular Council Meeting as presented. Voice vote was taken and was unanimous. Motion passed.

APPROVAL OF AGENDA

M/M by Councilman Stichick to approve the Agenda subject to Item C and E under NEW BUSINESS being placed after Item F - EXECUTIVE SESSION. Voice vote was taken and was unanimous. Motion passed.

COMMUNICATIONS

None

MANAGER'S REPORT

Manager Bartlett noted that the Agenda has been modified to include the Finance Director's Report. The new Agenda format is required in accordance with the Bethel Code of Ordinances.

FINANCE DIRECTOR'S REPORT

Finance Director Ralph Engebretson presented to City Council a summary of expenditures through February of 1977. M/M by Councilman Guinn to refer the report to the Finance Committee. Voice vote was taken and was unanimous. Motion passed.

MAYOR'S REPORT

Mayor Peltola introduced Senate Bill No. 296 and Senate Bill No. 171. He requested a Resolution in support of Senate Bill No. 296, (An Act relating to litter control; and providing for an effective date.) and a Resolution against Senate Bill No. 171, (An Act relating to the sale of beverage containers; and providing for an effective date.). This matter is to be discussed at a subsequent work session.

COMMITTEE REPORTS

Councilwoman Charles, reported that a Special Transportation Committee meeting would be held on Tuesday, April 19, 1977 at 7:30 P.M.

M/M by Councilman Guinn that the Council ratify Altha Hill as the City Clerk as recommended by the Personnel Committee. Roll call vote was taken: Yes: Council Members Guinn, Elliott, Stichick, Peltola, Charles, Hickling and Hinsvark. Motion passed. Councilman Guinn, presented the recommendation of the Personnel Committee, that Gary Volkman be appointed the new Director of Public Works, and acting as spokesperson for the Committee extended to the Council the courtesy of asking for their approval of the Personnel Committee's appointment.

M/M by Councilman Guinn to ratify Gary Volkman as the Director of Public Works. Voice vote was taken: Yes: Council Members Guinn, Elliott, Peltola, Charles, Hickling and Hinsvark. No: Council Member Stichick. Motion passed.

Councilwoman Hickling reported that the Social/Economic/Cultural Committee meeting, to have been held on Thursday, April 7, 1977, was cancelled. The meeting was rescheduled for April 14, 1977.

Councilman Hinsvark announced that there will be a meeting of the Parks and Recreation Committee on Thursday, April 14, 1977 at 7:30 P.M. in Council Chambers.

Councilman Stichick reviewed the motions discussed by the Public Safety Committee at their April 5, 1977 meeting. He reported that the new Animal Control Ordinance was not yet fully prepared and that the Committee approved a recommendation urging City Council to approve Ordinance No. 93.

Councilman Elliott informed the Council that a Public Works Committee Meeting would be held on April 28, 1977, at 7:30 P.M. in Council Chambers.

Mayor Peltola, as the Chairman of the Finance Committee, informed the City Council that the Finance Committee Meeting of April 8, 1977, had been postponed due to inclement conditions and would be rescheduled at a later date.

PEOPLE TO BE HEARD

Mr. Kevin Murphy addressed the Council with regard to the Alaska Northern Commercial Company's overflow. He suggested that the Public Works Committee review the situation. Mr. Murphy also addressed the Council with regard to the use of the City-owned loader for personal use. Mr. Murphy's concern was referred to Councilman Elliott as the Chairman of the Public Work's Committee.

Mr. John Shuler addressed the Council with regard to the cul de sac road in the City Sub-division which had not been plowed because of the fact that homes have not been built within this particular area. Following plowing of all the other City roads, Mr. Shuler requested that this particular road be plowed in order for him to remove his truck. Mr. Shuler's request was referred to Councilman Elliott, Chairman of the Public Works Committee.

Councilman John Guinn requested a work session of the City Council to review the uniform system for evaluating Department Heads and evaluation of employees within their Departments, as developed by the Administration and Personnel Committee; review matters of concern with the Public Works and Police Departments of the City and discuss SB No. 296 and HR. No. 171. In response to Councilman Guinn's request, Mayor Peltola called for a work session on April 18, 1977, at 7:30 P.M. in the Council Chambers.

UNFINISHED BUSINESS

Item A. RESOLUTION NO. 191 (A RESOLUTION OF THE CITY OF BETHEL, ALASKA, ACCEPTING LAND FROM THE BETHEL NATIVE CORPORATION FOR A PUBLIC CEMETARY.)

Councilman Guinn presented, as the spokesperson for the Planning Commission, an overview of Resolution No. 191. Councilman Guinn indicated that the Bethel Native Corporation had agreed to accept Resolution No. 191., which includes a modification addressing the stipulation that comparable acreage outside a five (5) mile radius from the center point known as "Watson's Corner", Corner No. 1 in U.S. Survey No.

3230A (Boundaries), but within the City of Bethel's limits or immediately contiguous, will be accepted at a later date as part of the minimum 1280 acres Bethel Native Corporation must convey to the City under Section 18 (c) (3) of the Act and that the cemetery site will not be included as a part of the City's minimum of 1280 acres to be conveyed to the City under the Act. Councilman Stichick requested that an amendment with regard to other claims filled on the cemetery site, be added before further action was taken.

M/M by Councilman Guinn that Resolution No. 191 be amended to indicate that the conveyance of the cemetery site by the Bethel Native Corporation shall become null and void in the event that it is ascertained that there is an individual native land claim(s) against the property. Voice vote was taken and was unanimous.

M/M by Councilman Guinn that Resolution No. 191 be accepted as amended. Roll call vote was taken: Yes: Council Members Guinn, Elliott, Stichick, Peltola, Charles, Hickling and Hinsvark. Motion passed.

NEW BUSINESS

Item A. PUBLIC HEARING ON THE SALE OF CITY SUB-DIVISION LOTS.

A public hearing on the sale of City Sub-division lots was held on April 11, 1977. The validity of the information filed by applicants appearing on the awarded lot and alternative lists, thereby enabling such applicants to receive or be considered for lots, was questioned in several cases. Mr. John Manion informed the City Council that he planned to file a lawsuit against the City of Bethel contesting the method used by the City to award lots. The question was raised concerning the validity of answers on lot applicants by ASHA residents now participating in the ASHA Homeowner's Program. Manager Bartlett requested legal council, Mr. Ben Esch, address the Council on the similarity of Bethel's method of selling land to that of other municipalities. Mr. Esch explained that although there were other similar programs, there were no municipalities using a system identical to that of the City of Bethel.

Mayor Peltola closed the Public Hearing on the sale of lots of City Sub-division.

M/M by Councilman Guinn to adjourn for five minutes. Voice vote was taken. Yes: Council Members Guinn, Elliott, Peltola, Charles, Hickling, Hinsvark. No: Council Members Stichick. Motion carried.

Manager Bartlett following the adjournment presented to Council recommended terms and conditions for sale of the City Sub-division lots. If the City Council elects to sell the lots this evening, those individuals, who are successful in obtaining a lot will be required within thirty (30) days to pay 1/3 down on such lot, and within 12 months have paid an additional 1/3 down, and within an additional 12 months the final 1/3 with the understanding that the recipients shall have built on the property and occupied within the twenty-five month period. Failure to live up to these terms and conditions should result in loss of the property. Title will not be conveyed until such time that the property has been paid for and the individual lot owner has built, and that a real estate contract be utilized which is acceptable to lending insitutions.

M/M by Councilman Stichick to table this matter until such time that the City Manager and the City Attorney can inform the Council of the full complexity of the land sale situation so that Council may make an intelligent decision. Motion defeated for lack of a second.

M/M by Councilwoman Hickling that the Council accept the lists with the names that have not been questioned and that such individuals will be required to prove length of residency. In addition, those applicants who have been questioned will be disregarded until such time that they prove the validity of their applications. Finally, the terms and conditions for sale of the land, as recommended by the City Manager, will be included as a part of this motion.

M/M by Councilman Hinsvark to amend the previous motion to include the requirement that all applicants (questioned or not) varify their respective applications relative to the categorical information contained in such applications, and if not varified, as is, that the applicants be disqualified. Roll call vote was taken: Yes: Council Members Guinn, Elliott, Hickling, Hinsvark, Charles, Peltola. No: Council Member Stichick. Motion carried.

M/M by Councilman Hinsvark to amend original motion to include the nine residents in ASHA housing who qualify for lots but are taking part in the ASHA Home-Owner Program, and who would be willing to give up this program if they were allowed to purchase property in the City Sub-division. Roll call vote was taken: Yes: Council Members Guinn, Elliott, Hickling, Hinsvark, Charles Peltola. No: Council Member Stichick. Motion carried.

M/M by Councilman Hinsvark to amend the previous motion to include cost factors for the lots, when available. Voice vote was taken: Yes: Council Members Guinn, Elliott,

Hickling, Hinsvark, Charles. No: Council Members Stichick.
Motion carried.

Council voted on the main motion by Roll Call vote: Yes:
Council Members Guinn, Elliott, Hickling, Charles, Hinsvark.
No: Council Members Stichick, Peltola. Motion carried.

Item B. PUBLIC HEARING ON ORDINANCE NO. 92 (AN ORDINANCE
AMENDING TITLE 6, CHAPTER 6.10 DAY CARE FACILITIES
OF THE BETHEL CODE OF ORDINANCE, AND REPEALING
ORDINANCE NO. 81)

Manager Bartlett introduced Ordinance No. 92, for a second reading. Manager Bartlett requested that Ms. Vickie Malone review the Ordinance with Council noting the following recommended amendments: 1) Child abuse cases will in the future be reported to the nearest office of the Alaska State Department of Health and Social Services. 2) The inclusion of 6.10.300, (in the Ordinance) which called for the special care of infants. 3) Recommended ratios of adults and students will be determined by the City Manager. 4) The ordinance has been strengthened to insure that day care is definitely more than a baby sitting service. 5) Section 4 of 6.10.280 Nutrition, was added to strengthen the Ordinance based on the recommendations by the State Department of Health and Social Services.

Mayor Peltola called a public hearing on Ordinance No. 92, asking for input for the audience. Ms. Vickie Malone recommended that the Council adopt Ordinance No. 92, which she felt would prove to be a model for the balance of the State. Ms. Malone further recommended the adoption of Ordinance No. 92, stating that it would transfer control of day care facilities to the local level where it is necessary.

Mayor Peltola closed the Public Hearing on Ordinance No. 92.

Manager Bartlett introduced Ordinance No. 92 and aforementioned amendments for a third and final reading.

M/M by Councilman Stichick that Ordinance No. 92 as amended be passed and approved by Council. Roll call vote was taken: Yes: Council Members Guinn, Elliott, Hickling, Hinsvark, Charles, Peltola, Stichick. Motion passed.

M/M by Councilman Guinn that the Council Meeting proceed past 10:00 P.M. Voice vote was taken. Motion passed unanimously.

Item C. PUBLIC HEARING ON ORDINANCE NO. 94. (AN ORDINANCE
OF THE CITY OF BETHEL, PROVIDING FOR THE ISSUANCE

AND SALE OF GENERAL OBLIGATION BONDS OF THE CITY OF BETHEL IN THE PRINCIPAL AMOUNT OF SEVEN HUNDRED NINETY-FIVE THOUSAND DOLLARS FOR THE PURPOSE OF PAYING THE COST OF PLANNING, DESIGNING, CONSTRUCTING, AND EQUIPPING THE BETHEL COURT BUILDING LOCATED WITHIN THE CITY OF BETHEL: FIXING THE DATE, FORM, TERMS AND MATURITIES OF SUCH BONDS: AND PROVIDING FOR CERTAIN OTHER CONVENANTS AND PROTECTIVE FEATURES.)

Manager Bartlett introduced Ordinance No. 94 for a second reading with ecommended amendments. Manager Bartlett recommended that Ordinance No. 94 be tabled until the Regular Council Meeting on April 25, 1977, as a result of the possibility of additional recommended amendments being received from Bond Council.

Mayor Peltola called a Public Hearing on Ordinance No. 94.

A question was raised concerning the pledge of all taxes for repayment, whereas Bethel does not have a property tax. It was explained that even though there is not a property tax at this time, it is necessary to pledge all taxes as a requirement of a general obligation bond issue.

Mayor Peltola closed the Public Hearing on Ordinance No. 94.

M/M by Councilman Guinn to table Ordinance No. 94 until the Regular Council Meeting on April 25, 1977. Roll call vote was taken: Yes: Council Members Guinn, Elliott, Hickling, Hinsvark, Charles, Peltola, Stichick. Motion passed.

Item F. EXECUTIVE SESSION ON LEGISLATIVE MATTERS.

M/M by Councilman Guinn that Council go into Executive Session. Voice vote was taken and was unanimous. Time 10:15 P.M.

M/M by Councilman Hinsvark that Council come out of Executive Session and reconvene the Regular Council Meeting. Voice vote was taken and was unanimous. Time 10:40 P.M.

Item D. INTRODUCTION OF RESOLUTION NO. 193 (A RESOLUTION OF THE CITY OF BETHEL, ALASKA RECOMMENDING THE DESIGNATION OF THE YUKON/KUSKOKWIM HEALTH CORPORATION AS THE AVCP REGIONAL HEALTH AUTHORITY PURSUANT TO THE INDIAN SELF-DETERMINATION ACT (P.L. 93-638)).

Manager Bartlett presented Resolution No. 193 and recommended Council's approval. He stated the Yukon/Kuskokwim Health Corporation has provided contract health services under the Indian Health Service and should continue within this role.

In addition, the City and the Yukon/Kuskokwim Health Corporation would work to obtain additional funding in the future for alcohol programs

M/M by Councilman Guinn to accept Ordinance No. 193. Roll call vote was taken: Yes: Council Members Guinn, Elliott, Hickling, Hinsvark, Charles, Peltola, Stichick. Motion passed.

Item E. INTRODUCTION OF ORDINANCE NO. 93 (AN ORDINANCE PROVIDING FOR THE PROHIBITION OF SMOKING IN THE COUNCIL CHAMBERS OF THE CITY OF BETHEL DURING PUBLIC MEETINGS AND ITS CODIFICATION WITHIN THE BETHEL CODE OF ORDINANCES AS SECTION 2.04.200.

Manager Bartlett presented Ordinance No. 93 for a second reading. Mayor Peltola opened a Public Hearing on the Ordinance. A majority of those in attendance at the City Council Meeting voiced their support for the Ordinance and urged Council to approve such a measure.

Mayor Peltola closed the Public Hearing on Ordinance No. 93. Manager Bartlett introduced Ordinance No. 93 for a third and final reading.

M/M by Councilman Stichick that the Council pass and approve Ordinance No. 93. Roll call vote was taken: Yes: Council Members Peltola, Elliott, Hinsvark, Stichick and Charles. No: Council Members Hickling and Guinn. Motion passed.

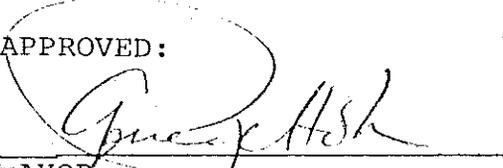
M/M by Councilman Stichick that the Council adjourn. Motion defeated for lack of a second.

With reference to further Council business, it was determined that the cost per square foot of the City Subdivision land would be .152 cents by Mr. Lyman Hoffman, Assistant City Manager.

M/M by Councilman Guinn that the lots in the City Subdivision be sold at a rate of .152 per square foot. Roll call vote was taken: Yes: Council Members Guinn, Elliott, Hickling, Hinsvark, Charles, Peltola, Stichick. Motion carried.

M/M by Councilman Elliott to adjourn. Voice vote was taken and was unanimous. Meeting was adjourned at 11:10 P.M.

APPROVED:


MAYOR

ATTEST:


CITY CLERK