
City of Bethel City Council Meeting Minutes

January 12, 2010

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on January 12, 2010 at 6:30p, in the Council Chambers, Bethel, Alaska.

Mayor Joseph Klejka called the meeting to order at 6:30p.

II. ROLL CALL

Present:

Council Member Allen Hippler
Council Member Beverly Hoffman
Mayor Joseph Klejka
Vice-Mayor Eric Middlebrook
Council Member Heather Pike
Council Member Richard Robb
Council Member Thomas Valadez

Absent:

None

Also Present:

City Manager Lee Foley
City Clerk Lori Strickler

III. PEOPLE TO BE HEARD-

Willy Keppel-

- Spoke in opposition to Ordinance 10-01, stating the local option election should have to follow BMC 7.130.160. Also stated the petition violated BMC 7.10.090 Use of public funds when the signatures were being gathered.

Buck Bukowski -

- Spoke in opposition to Ord. 09-47 and the distance it establishes for prohibited liquor sales.

Sharon Neth -

- Spoke in favor of Ord. 09-47 and suggested an election to be established sooner rather than later.
- Spoke in favor of Resolution 09-55.

Fritz Charles –

- Many community members do not know how to be social drinkers. Spoke in opposition to Ord. 09-47 because of the distance it establishes for prohibited liquor sales.
- Spoke in favor of Res. 09-55.

John Park –

- Spoke in opposition to Res. 09-55.

IV. APPROVAL OF THE AGENDA

MOVED:	Hoffman	Motion to approve the agenda.
SECONDED:	Middlebrook	
MOVED:	Robb	Motion to amend, to pull Resolution 10-01, 10-02 and Ordinance 10-01 from the consent agenda.
MOVED:	Middlebrook	Motion to amend to remove AM 10-01 from consent agenda.
VOTE ON MAIN MOTION	All in favor	

V. SPECIAL ORDER OF BUSINESS

Item A – Proclamation K300 Dog Sled Race.

Item B - B.G. Commissioner Thomas Katkus Army National Guard Updating The Council On Existing Armory Sight And Issuing Land Back To The City.

VI. APPROVAL OF THE MEETING MINUTES

Item A – 12/22/09 Regular City Council Meeting

Passed on the consent agenda.

Item B- 12/29/09 Special City Council Meeting

Passed on the consent agenda.

VII. UNFINISHED BUSINESS

Item A - Public Hearing Of Ordinance 09-39: Allowing For The Abatement Of Taxes And Penalties And Interest Related To Taxes.

*Mayor Klejka opened the public hearing.
No one wished to be heard.*

Mayor Klejka closed the public hearing.

MOVED:	Hoffman	Motion to adopt Ordinance 09-39.
SECONDED:	Hippler	
MOVED:	Valadez	Motion to amend, to strike "at the discretion of the city manager" in section 4.16.140 and section 4.16.180.
SECONDED:	Robb	
VOTE ON MOTION	All opposed	
MOVED:	Hoffman	Motion to suspend the rules to hear from Laurie Walters on this issue.
SECONDED:	Middlebrook	
VOTE ON MAIN MOTION	All in favor	
MOVED:	Valadez	Motion to amend, to strike under 4.16.140 "at the desecration of the city manager".
SECONDED:		
VOTE ON MOTION	Does not carry due to a lack of a second.	
MOVED:	Hippler	Motion to table until the next meeting.
SECONDED:	Hoffman	
MOVED:	Hoffman	Motion to amend to insert until such time the finance committee has an opportunity to review.
SECONDED:	Valadez	
VOTE ON MOTION	5-2 Motion passes, Middlebrook and Pike opposed	
VOTE ON MAIN MOTION	5-2 Motion passes, Middlebrook and Pike opposed	

MOVED:	Middlebrook	Motion to take a ten minute break.
SECONDED:	Valadez	
VOTE ON MAIN MOTION	4-3 motion passes, Hippler, Robb and Pike opposed	

Item B - Public Hearing Of Ordinance 09-44: Amending Section 5.08 Of The Bethel Municipal Code, Alcoholic Beverages.

Mayor Klejka opened the public hearing.

No one wished to be heard.

Mayor Klejka closed the public hearing.

Council Member Valadez declared a conflict of interest and Mayor Klejka ruled he does have a conflict of interest.

MOVED:	Pike	Motion to adopt made at the December 22 nd , 2009 meeting.
SECONDED:	Hippler	
MOVED:	Robb	Motion to amend 5.08.011 (b) to strike "or" and insert, " <u>the Log Cabin at Pinkey's Park, the Bethel Youth Center, or the front entrance of Owl Street park</u> ".
SECONDED:		
VOTE ON MAIN MOTION	Motion does not carry due to a lack of a second.	
MOVED:	Robb	Motion to amend to strike "three" and insert "five" under section 5.08.011 (b).
SECONDED:		
VOTE ON MAIN MOTION	Motion does not carry due to a lack of a second.	
MOVED:	Middlebrook	Motion to amend by striking "or collage-campus".
SECONDED:	Pike	
VOTE ON MOTION	6-1 Motion passes, Klejka opposed	

MOVED:	Middlebrook	Motion to amend to insert under Section A "A license to sell alcoholic beverage in the City of Bethel can only be by a conditional use permit for licenses within 300ft of a church or school".
SECONDED:		
VOTE ON MOTION	Motion does not carry due to a lack of a second.	
MOVED:	Middlebrook	Motion to amend Section 2 (a), to strike "500ft" and insert "300ft" and in Section 2 (b) strike "300ft" and insert "200ft".
SECONDED:	Pike	
VOTE ON MOTION	All in favor	
MOVED:	Pike	Motion to amend, to reflect the amendment of the proximity of churches and schools and college reference throughout the ordinance.
SECONDED:	Hippler	
MOVED:	Middlebrook	Motion to amend the amendment, The term school building and educational building includes those structures in which instruction is offered except those buildings that can be classified as a university or campus.
SECONDED:	Pike	
VOTE ON MOTION	All in favor	
VOTE ON MOTION	All in favor	
MOVED:	Middlebrook	Motion to amend, to insert under Section 2 (b) "except by a conditional use permit applied through the planning department, reviewed by the planning commission, and approved by the Bethel city council".
SECONDED:	Hoffman	
VOTE ON MOTION	1-6 Motion fails, Middlebrook in favor	
VOTE ON MAIN MOTION	5-1 Motion passes, Hippler opposed	

Council Member Valadez returned to the council bench.

Item C- Public Hearing Of Ordinance 09-45: Establishing A Sales Tax Free Day In The City Of Bethel.

Mayor Klejka opened the public hearing.

Eli Jacobson –
Spoke in opposition to Ordinance 09-45.

Mayor Klejka closed the public hearing.

MOVED:	Pike	Motion to adopt Ordinance 09-45.
SECONDED:	Valadez	
MOVED:	Valadez	Motion to suspend the rules to hear from the Finance Director, Laurie Walters, and Assistant Finance Director, Ryan Cope.
SECONDED:	Middlebrook	
VOTE ON MAIN MOTION	All in favor	
MOVED:	Valadez	Motion to table until the next meeting.
SECONDED:	Hippler	
VOTE ON MAIN MOTION	4-3 Motion passes, Middlebrook, Klejka and Hoffman opposed	

Item D – Public Hearing Of Ordinance 09-46: Establishing Billing Liability For The Rebuilding Of Grinder Pumps.

Mayor Klejka opened the public hearing.

No one wished to be heard.

Mayor Klejka closed the public hearing.

MOVED:	Hoffman	Motion to adopt Ordinance 09-46.
SECONDED:	Middlebrook	
MOVED:	Middlebrook	

SECONDED:	Robb	Motion to amend to insert "if the property receives the repairs then the person to whom the water accounts name is in, is responsible for the expense".
VOTE ON MOTION	All in favor	
VOTE ON MAIN MOTION	6-1 Motion passes, Middlebrook opposed	

Item E - Public Hearing Of Ordinance 09-47: Amending The BMC Chapter 5.08, Alcoholic Beverage Sales In The City Of Bethel Jurisdiction.

Mayor Klejka opened the public hearing.

No one wished to be heard.

Mayor Klejka closed the public hearing.

Council Member Valadez declared a conflict of interest and Mayor Klejka ruled he does have a conflict of interest.

MOVED:	Hippler	Motion to adopt Ordinance 09-47.
SECONDED:	Pike	
MOVED:	Middlebrook	Motion to amend, to strike Sections in their entirety, 5.08.011 and 5.08.012.
SECONDED:		
VOTE ON MOTION	Does not carry due to a lack of a second.	
MOVED:	Hoffman	Motion to table Ord. 09-47 until the next regular meeting.
SECONDED:	Middlebrook	
VOTE ON MAIN MOTION	All in favor	

Item F – P51 Public Hearing Of Resolution 09-55: Protesting The Issuance Of A State of Alaska Alcoholic Restaurant Eating Place License For Osaka Restaurant; Located At 431 Ridgecrest; Owned By Kilsuh Park; License ID#4951.

Mayor Klejka opened the public hearing.

John Park –

Requested clarification on the passage of Ordinance 09-44 and the law established in that ordinance would prohibit the issuance of a liquor license to Osaka because of its proximity to a church.

John McIntyre –

Spoke in favor of Resolution 09-55.

Dave Trantham –

Spoke in favor of Resolution 09-55

Mayor Klejka closed the public hearing.

MOVED:	Middlebrook	Motion made to adopt Resolution 09-55 at the January 29, 2010 meeting.
SECONDED:	Hoffman	
MOVED:	Middlebrook	Motion to amend, to insert as a 5 th whereas Insert language from Ord. 09-44.
SECONDED:	Pike	
MOVED:	Robb	Motion to amend to insert the chapter reference of the Bethel Municipal Code.
SECONDED:	Middlebrook	
VOTE ON MOTION	All in favor	
VOTE ON MOTION	All in favor	
MOVED:	Middlebrook	Motion to extend the meeting past 10p.
SECONDED:	Pike	
VOTE ON MAIN MOTION	All in favor	
MOVED:	Hippler	Motion to call for the question.
SECONDED:	Hoffman	
VOTE ON MAIN MOTION	2-5 Motion fails, Hippler and Hoffman in favor	
MOVED:	Robb	Motion to strike the last whereas.

SECONDED:	Hoffman	
VOTE ON MAIN MOTION	2-4 Motion fails, Klejka and Robb in favor	
VOTE ON MAIN MOTION	All in favor	

Council Member Valadez returned to the bench.

MOVED:	Middlebrook	Motion to take a ten minute break.
SECONDED:	Robb	
VOTE ON MAIN MOTION	3-4 Motion fails, Middlebrook, Robb and Hippler in favor	

MOVED:	Robb	Motion to take a five minute break.
SECONDED:	Middlebrook	
VOTE ON MAIN MOTION	All in favor	

Item G- AM 09-38: Approving The City Of Bethel Drug And Alcohol Policy.

MOVED:	Hippler	Motion to adopt made at the December 22 nd Meeting.
SECONDED:	Valadez	
VOTE ON MAIN MOTION	All in favor	

Item H- Establishing A Date For The January Joint Task Force Meeting With ONC.

MOVED:	Middlebrook	Motion to have a Joint Task Force Meeting on January 28 th at 6:30p.
SECONDED:	Robb	
VOTE ON MAIN MOTION	All in favor	

Item I- Review Of Corina's Restaurant Liquor License Application, Protest Deadline February 10th.

Council Member Valadez declared a conflict of interest and Mayor Klejka ruled he does have a conflict of interest.

MOVED:	Middlebrook	Motion to direct the administration and clerk to draft a general protest for Corina's Restaurant and BBQ Express.
SECONDED:	Hoffman	
MOVED:	Middlebrook	Motion to amend to insert " <u>and all other licenses applications submitted to the City of Bethel</u> ".
SECONDED:	Hoffman	
VOTE ON MOTION	All in favor	
VOTE ON MAIN MOTION	All in favor	

Item J- Review Of 123 BBQ Express's Liquor License Application, Protest Deadline February 9th.

Council Member Valdez returned to the bench.

VIII. NEW BUSINESS

Item A - Resolution 10-01: City Of Bethel Priorities For The FFY 2011 United States Congressional Funding Cycle.

MOVED:	Robb	Motion to schedule a meeting on the Monday January 25 th at noon.
SECONDED:	Middlebrook	
VOTE ON MAIN MOTION	6-1 Motion passes, Valadez opposed	

Item B - Resolution 10-02: Supporting The Preparation And Submission Of A Grant Application To The Staffing For Adequate Fire And Emergency Response Program.

MOVED:	Robb	Motion to adopt Resolution 10-02.
SECONDED:	Hoffman	
VOTE ON MAIN MOTION	6-1 Motion passes, Valadez opposed	

MOVED:	Robb	Motion to amend insert in the first WHEREAS, " <u>applications to submit two applications: one to request funds to pay for additional firefighter positions and one to request funds to cover</u>
SECONDED:	Hoffman	

	<p>costs associated with a firefighter volunteer recruitment and retention program" and in the second WHEREAS, "according to the grant guidance and application kit "SAFTER intends to improve local fire departments' staffing and deployment capabilities, so they may more effectively respond to emergencies whenever they may occur" ; third WHEREAS, the FY 09 and FY 10 SAFER grants will cover 100 percent of salary and benefit costs or rehired firefighters with no local match requirements; to strike " according to the grant guidance and application kit "SAFER intends to improve local fire departments' staffing and deployment capabilities, so they may more effectively respond to emergencies whenever they may occur"; Insert WHEREAS, " the City's SAFER application for volunteer recruitment and retention funds will request funds to pay for health benefits, city water and sewer benefits, physicals and turnouts for firefighter/EMT volunteers;</p> <p>WHEREAS, the City's SAFER application for volunteer recruitment and retention will request funds to pay for a full-time volunteer coordinator, marketing expenses, and other program costs; WHEREAS, the performance period for the recruitment and retention portion of the grant is four years".</p>
--	--

MOVED:	Middlebrook	Motion to extend the meeting past 11p.
SECONDED:	Hoffman	
VOTE ON MAIN MOTION	All in favor	
MOVED:	Hoffman	Motion to amend the amendment to strike in the top whereas statement "will remove health benefits and city water".
SECONDED:	Hippler	
VOTE ON MOTION	4-3 Motion passes Robb, Valadez, and Pike opposed	
VOTE ON MOTION	All in favor	

Item C – Introduction Of Ordinance 10-01: Submission To The Qualified Voters Of the City Of Bethel, Alaska At A Special Election The Question Of Opting Into Local Option AS 04.11.491 (a) (1) Prohibiting The Sale Of Alcoholic Beverages In The City Of Bethel.

Council Member Valadez declared a conflict of interest, Mayor Klejka ruled he does not have a conflict of interest.

MOVED:	Hippler	Motion to introduce Ordinance 10-01.
SECONDED:	Hoffman	
MOVED:	Middlebrook	Motion to suspend the rules to hear from the Chief of Police, Larry Elarton.
SECONDED:	Hoffman	
VOTE ON MAIN MOTION	6-1 Motion passes, Hippler opposed	
VOTE ON MAIN MOTION	5-2 Motion passes, Valadez and Pike opposed	

Item D - AM 10-01: City Manager Leave Request January 20th, 21st and 22nd.

MOVED:	Middlebrook	Motion to approve the city manager's leave request.
SECONDED:	Hoffman	
VOTE ON MAIN MOTION	All in favor	

Item E - AM 10-02: Appointment Of Greg Roczicka To The Port Commission.

Mayor Klejka appointed Greg Roczicka to the Port commission and received council concurrence.

Item F - AM 10-03: Appointment Of Joy Shantz To The Planning Commission.

Mayor Klejka appointed Joy Shantz to the Planning commission and received council concurrence.

Item G- AM 10-04: Reimbursement To Tom Valadez For Attending The Alaska Municipal League Conference In November.

Council Member Valadez declared a conflict of interest; Mayor Klejka ruled he does have a conflict of interest.

MOVED:	Robb	Motion to table until the next meeting.
SECONDED:		
VOTE ON MAIN MOTION	Does not carry due to a lack of a second.	

MOVED:	Hippler	Motion to approve AM 10-04.
SECONDED:	Hoffman	
VOTE ON MAIN MOTION	3-3 Motion fails, Middlebrook, Pike and Robb opposed	

MOVED:	Middlebrook	Motion to suspend the rules to hear from Jody Malus.
SECONDED:	Pike	
VOTE ON MAIN MOTION	3-3 Motion fails, Hippler, Klejka and Hoffman opposed	

Council Member Valadez returned to the bench.

Item H- AM 10-05: Appointment Of John Guinn To The Planning Commission.

Mayor Klejka appointed John Guinn to the Planning commission and received council concurrence.

Item I - AM 10-06: Appointment Of Mike Walter To The Planning Commission.

Mayor Klejka appointed Mike Walter to the Planning commission and received council concurrence.

Item J- Approval Of Council Member's Travel To The Alaska Municipal League Conference.

MOVED:	Middlebrook	Motion to approve travel for the mayor and vice mayor.
SECONDED:	Hoffman	
VOTE ON MAIN MOTION	All in favor	

Item K- IM 10-01: Reviewing The ONC City Of Bethel Cooperation Agreement For Low Income Housing.

MOVED:	Middlebrook	Motion to table until the next regular meeting.
SECONDED:	Pike	
VOTE ON MAIN MOTION	All in favor	

Item L- Review Of Dimitri's Restaurant Liquor License Application, Protest Deadline February 20th.

Item M - Review Of AC's Package Store Liquor Store License Application, Protest Deadline February 28th.

MOVED:	Middlebrook	Motion to suspend the rules to go to the City Manager's Report and to extend the meeting until 12:10a.
SECONDED:	Hoffman	
VOTE ON MAIN MOTION	All in favor	

IX. MANAGER'S REPORT

MOVED:	Middlebrook	Motion to suspend the rules, to go to Executive session Confidential Attorney Client Memorandum IM 09-21: Nicholson's Tax Dilemma.
SECONDED:	Hoffman	

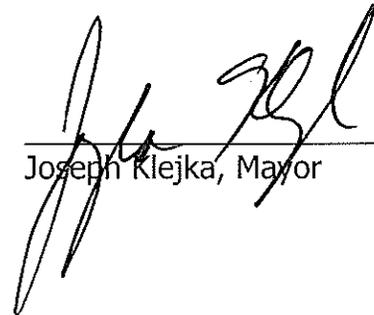
VOTE ON MAIN MOTION	All in favor
----------------------------	--------------

X. EXECUTIVE SESSION

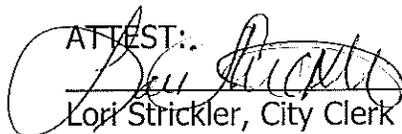
Item A - Confidential Attorney Client Memorandum IM 09-21:
Nicholson's Tax Dilemma.

Moved:	Hippler	Motion to adjourn.
Seconded:	Valadez	
VOTE ON MAIN MOTION	All in favor	

XI. ADJOURNMENT



Joseph Klejka, Mayor

ATTEST:


Lori Strickler, City Clerk