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CITY COUNCIL MINUTES  
FEBRUARY 9, 1993

**CALL TO ORDER** Mayor Feaster called the regular Council meeting of February 9, 1993, to order at 7:30 PM.

**ROLL CALL** Present: Feaster, Jones, Trantham, Vanasse  
Warner (late), Wintersteen  
Absent: Metcalfe

**APPROVAL/MINUTES** M/M by Wintersteen, 2nd by Jones to approve the minutes of the January 26, 1993, regular Council meeting as presented. Voice vote. Motion carried unanimously.

**APPROVAL/AGENDA** M/M by Jones, 2nd by Wintersteen to approve the agenda as presented. Voice vote. Motion carried unanimously.

**MAYOR'S REPORT** Mayor Feaster referred Council to his written report and reminded council members of the interviews of the two City Manager finalists scheduled for Saturday, February 13, the first interview beginning at 3:00 PM and the second at 6:30 PM.

**MANAGER'S REPORT** Interim City Manager Gross referred Council to her written Manager's report and further requested guidance from Council on the following items:

--Procedure for revising Titles 9 and 10 of the Bethel Municipal Code dealing with matters of public safety as recommended by City Attorney Brooks Chandler. Council agreed to the following: 1) Request Mr. Chandler prepare a draft revision of Title 10 (which would consist mostly of administrative changes) for ordinance introduction; and (2) Request Mr. Chandler prepare an initial opinion letter regarding the enforceability of certain provisions in Title 9 together with suggested revisions and use it as a basis for policy recommendations to the City Council. Once the Title 9 opinion letter is received from Mr. Chandler, Council work sessions to review the recommendations and draft an ordinance for introduction will be scheduled.

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--Council needs to notify the City Attorney if it intends to have Mr. Chandler's office defend the City in the matter of LeRoy Peters vs the City of Bethel as well as for other claims as has been handled in the past.

motion

M/M by Wintersteen, 2nd by Jones to table the issue of legal representation in the matter of Leroy Peters vs. City of Bethel to February 23, as an Executive Session agenda item. Poll vote. Motion carried. 4-yes; 2-no (Vanasse, Warner).

City Manager Gross also informed Council that the Planning Commission meeting scheduled for February 11, 1993, would not be held as the public notice had not been published in a timely manner. The meeting will be rescheduled for a later date.

City Manager Gross advised that she will keep Council apprised of the situation concerning the four unregistered, underground fuel storage tanks located at the City Shop.

City Manager Gross also stated that she would notify the City Attorney about Bethel Utilities Corporation withholding the PCE reimbursement received from the Alaska Energy Authority and ask that he research the legality of this situation. In addition, Ms. Gross indicated that she would research the suggestion from Councilman Trantham that former City Manager Hohman had worked out an exchange between the City of Bethel and BUC for correcting the electrical code deficiencies.

City Manager Gross stated that she would provide a draft of a formal contract between the City of the Bethel and the "Can Man" for review by the Council. Ms. Gross also informed Council that there is an arrangement for use of one of the older City vehicles whereby the recycling volunteers who are authorized to drive the City vehicle are carried on the City's insurance as authorized drivers.

In response to a request from Councilman Trantham, City Manager Gross stated that she would conduct further research into the hours Streets and Roads employees worked for the City and on the sewer lagoon project.

**COUNCIL MEMBER  
COMMENTS**

Councilman Jones reported that his trip to Juneau was beneficial and, of the people he met with, the general consensus was that the City would obtain funding over what was included in the Governor's budget.

Councilman Wintersteen expressed his concern regarding the break in the sewer pipe in City Subdivision and the fact that seven days had passed before the City corrected the problem. Mr. Wintersteen stated that the way in which the situation was handled was not acceptable.

In response to a question from Councilman Trantham regarding the Haroldson Subdivision Road, City Manager Gross stated that it was her understanding that it was a dedicated City road, and that the road was accepted at the time the City signed plat. Councilman Warner stated that it was his understanding, as a member of the Planning Commission, that since 1986 the roads in the subdivision were never accepted because they were never close to the standards as outlined in the Title regulating subdivisions. Ms. Gross advised Council that she was aware of the problem and had turned the matter over to the City Attorney for further research.

Regarding the City taking responsibility for plowing the BIA road in order to transport fuel oil into the City, Councilman Trantham suggested that Administration research the cost effectiveness of contracting out the plowing of the road versus doing the work in-house.

Councilman Vanasse complimented Administration and Department Heads for the accurate flow of information going to Council.

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**REPORTS OF STANDING  
COMMITTEES**

Councilman Warner reported that a joint meeting of the Planning and Port Commissions was held on Monday, February 8 to review the draft of the comprehensive land use and development plan for the reclaimed tidelands and to hear public testimony. The final document will be brought again to the Planning and Port Commissions and their recommendations subsequently brought to the Council.

Councilman Vanasse reported that the next meeting of the Public Safety Committee was scheduled for February 24, 1993, 12:00 PM, Police Station.

Councilman Trantham reported that the Youth Services Committee met on February 1 and referred Council to the minutes of that meeting. The major recommendation from the Committee was a request at the 6-month budget review for \$5,000 for materials to carpet the Youth Center. City Manager Gross stated that before the floor can be carpeted, the subfloor must be repaired by the Public Works Department. The next meeting of the Committee is scheduled for March 1, at 4:00 PM, Youth Center.

Mayor Feaster reported that the Solid Waste Committee meeting was postponed to February 12, 1993, 12:00 Noon, at the City Offices. The major topic of discussion will be the proposed asbestos depository site in Bethel.

Councilman Wintersteen announced the next meeting of the Port Commission was scheduled for February 15, 1993, 7:30 PM, at the Dock.

Following some discussion, Council agreed to schedule the six-month budget work session for Thursday, February 18, 1993, at the Log Cabin; the work session will commence following the adjournment of the Finance Committee.

**PEOPLE TO BE HEARD** There were no people to be heard.

Council broke at 8:25 PM for a short recess. At 8:35 PM, Mayor Feaster called the meeting back to order.

**OLD BUSINESS:**

**Item A: Pacifica Lease      DISCUSSION WITH DIANE CARPENTER (PACIFICA INSTITUTE) REGARDING BUS BARN/BOJANGLES LEASE**

City Manager Gross referred Council to two letters received from the City Attorney, Brooks Chandler, and from Ms. Carpenter's attorney in reference to the matter of the lease with Pacifica for the Bus Barn and Bojangles properties. In addition, Ms. Gross advised Council that Ms. Carpenter was not able to attend the meeting as she had to travel to Anchorage unexpectedly. Discussion regarding submission of the plan review to the Fire Marshal by Ms. Carpenter was held. Council requested the City Manager notify Pacifica Institute of the following items regarding the lease: (1) The lease between the City and Pacifica for the Bus Barn/Bojangles was not considered to be in effect; therefore, (2) the City would not reimburse any monies with regard to the \$10,000 set aside for certain repairs until such time as the subject of the lease had been resolved; (3) the City would not be accepting rent payments for the Bus Barn and Bojangles buildings; and (4) the City would assume responsibility for the utilities (to include utility expenses incurred) for the two buildings.

**motion**

M/M by Vanasse, 2nd by Jones to table the agenda item regarding the lease with Pacifica Institute to February 23, 1993, the next regular City Council meeting. Voice vote. Motion carried unanimously.

**Item B: Ord.  
#93-01; Title 17**

**PUBLIC HEARING ON ORDINANCE #93-01 AMENDING TITLE 17 (SUBDIVISION) BY ESTABLISHING AN ABBREVIATED PLAT PROCEDURE**

City Manager Gross provided a brief explanation of the reasons for including an abbreviated plat procedure in the Bethel Municipal Code and further stated that this was a procedure that is specifically permitted in Title 29 of the Alaska Statutes. Mayor Feaster called for public testimony; there being none, the public hearing was closed.

**motion**

M/M by Warner, 2nd by Jones to approve Ordinance #93-01 with changes recommended by the City Attorney in his memorandum of February 1, 1993; the ordinance shall take effect immediately. Poll vote. Motion carried unanimously.

Councilmen Vanasse and Warner expressed reservations about declaring the effective date of the ordinance retroactive to August 25, 1982.

**Item C: Report  
on Revenue Bond**

**REPORT ON COST OF BOND COUNSEL AND REPORT ON  
BOND PAYMENT SCHEDULES FOR FmHA LOAN/REVENUE  
BOND FOR THE SEWER LAGOON**

City Manager Gross stated that she had received an estimate from Tim Middleton on the cost of bond counsel services for the sewer lagoon project. At a charge of \$125 per hour, the estimated cost would be in the range of \$10,000 to \$15,000 (Ms. Gross referred Council to a letter from Mr. Middleton).

Council next reviewed the amortization tables reflecting payments necessary to retire a \$1,000,000 bond issue over 10, 15, 20, and 30 year time periods with annual and semi-annual payments. A brief discussion followed.

**motion**

M/M by Wintersteen, 2nd by Jones to apply to Farmers Home Administration for \$1,000,000 bond issue for a 15 year time period, payments to be made semi-annually. Poll vote. Motion carried unanimously.

**NEW BUSINESS:**

**Item A: Audit  
for FY 1992**

**FY 1992 AUDIT REVIEW AND ACCEPTANCE**

Finance Director Larry Elam provided a brief explanation of the changes to the final audit report from the draft report Council reviewed at a work session held in December 1992. Mr. Elam also reviewed the four areas for improving the financial records as recommended by the auditing firm of Mikunda Cottrell in its management letter to the City. Some discussion regarding cash available in the enterprise funds was held.

motion

M/M by Trantham, 2nd by Jones to approve the FY 1992 audit report from Mikunda Cottrell as presented. Voice vote. Motion carried unanimously.

Item B: Capital  
Project Mgmt.

**DISCUSSION ON CAPITAL PROJECT MANAGEMENT**

City Manager Gross referred Council to two memorandums from her regarding Capital Project Management and Staff Changes Public Works and Sewer Lagoon. Because of concerns expressed by both Administration and the City Council with respect to the progress of the sewer lagoon, City Manager Gross made some changes in the staffing at Public Works and the Sewer Lagoon. Ms. Gross provided a brief explanation of these changes. A brief discussion regarding turning the project over to a private contractor was held. Ms. Gross stated that while it was her preference to contract out the project, it would be better at this point to complete Phase I by force account and contract out the remainder of the project, especially if the City could come in under or at budget. Likewise, if the remainder of Phase I were contracted out, it would be difficult for a contractor to bid on the project as the profits from the job have been depleted. Mayor Feaster introduced Mr. Jordan Suhr and explained that Mr. Suhr would update the Council on the status of the sewer lagoon project.

A transcript of Mr. Suhr's presentation is attached as part of these official minutes.

motion

M/M by Wintersteen, 2nd by Jones that the City continue in its force account management of the sewer lagoon project. Poll vote. Motion carried unanimously.

motion

M/M by Warner, 2nd by Jones to continue meeting past 10:00 PM. Voice vote. Motion carried. 5-yes; 1-no (Wintersteen).

Item C: Vehicle  
Use Policy

**PROPOSED CITY OF BETHEL VEHICLE USE POLICY**

City Manager Gross presented draft number two of the proposed vehicle use policy and advised Council that she had received suggestions and

recommendations from City staff in the development of the policy. A brief discussion followed; several suggestions for minor revisions were made.

motion

M/M by Jones, 2nd by Warner to approve Draft #2 of the vehicle use policy. Poll vote. The main motion as amended carried. 4-yes; 2-no (Feaster, Warner).

motion

M/M by Trantham, 2nd by Wintersteen to amend the main motion by revising Draft #2 to include the following: Page 1, Item #4, add the word "fire" following the word "police" and "department" becomes "departments"; Page 2, under the paragraph entitled "Shop Use by City Employees" add the word "posted" following the words "follow whatever." Voice vote. Motion carried. 5-yes; 1-no (Warner).

John Abrant, Chairman of the Public Safety Committee, spoke in favor of the vehicle use policy.

Item D: Res.  
#93-05

**RESOLUTION #93-05: A RESOLUTION ACCEPTING THE GRANT FOR THE MAIN WASTEWATER PUMP STATION PROJECT #16710**

motion

M/M by Trantham, 2nd by Jones to approve Resolution #93-05 accepting the grant from Village Safe Water for the main wastewater pump station project #16710. Poll vote. Motion carried unanimously.

Item E: Res.  
#93-06

**RESOLUTION #93-06: A RESOLUTION ACCEPTING THE GRANT FOR THE CITY SUBDIVISION PIPED WATER PROJECT #16711**

motion

M/M by Vanasse, 2nd by Jones to approve Resolution #93-06 accepting the grant from Village Safe Water for the City Subdivision piped water project #16711. Poll vote. Motion carried unanimously.

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Item F: Res.  
#93-07

RESOLUTION #93-07: A RESOLUTION ACCEPTING THE GRANT FOR THE KILBUCK WASTEWATER PUMP STATION PROJECT #16712

motion

M/M by Wintersteen, 2nd by Jones to approve Resolution #93-07 accepting the grant from Village Safe Water for the Kilbuck Waste Pump Station project #16712. Poll vote. Motion carried unanimously.

Item G: Res.  
#93-08

RESOLUTION #93-08: A RESOLUTION ACCEPTING THE GRANT FOR THE CITY SUBDIVISION WASTEWATER PROJECT #16713

motion

M/M by Warner, 2nd by Trantham to approve Resolution #93-08 accepting the grant from Village Safe Water for the City Subdivision Wastewater project #16713. Poll vote. Motion carried unanimously.

Item H: Res.  
#93-09

RESOLUTION #93-09: A RESOLUTION ACCEPTING THE GRANT FOR THE BETHEL HEIGHTS SEWER PROJECT #16714

It was pointed out that the request for funding the Bethel Heights project included both water and sewer installation. City Manager Gross stated that she would research the subject and come back to Council with an explanation.

motion

M/M by Vanasse, 2nd by Warner to table Resolution #93-09 to the next regular Council meeting, February 23, 1993. Voice vote. Motion carried unanimously.

motion

M/M by Vanasse, 2nd by Jones to adjourn the meeting at 10:45 PM. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 23<sup>RD</sup> DAY OF February, 1993.

James H. Feaster III  
James H. Feaster III, Mayor

ATTEST:

Jane Elam  
Jane Elam, City Clerk