
City of Bethel City Council Meeting Minutes

August 14, 2007

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on August 14, 2007 at 6:30p, in the Council Chambers, Bethel, Alaska.

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

II. ROLL CALL

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

Members present: Mayor Dan Leinberger
Vice-Mayor Tundy Rodger
Council Member David E. Trantham
Council Member Andy McGowan
Council Member Eric Middlebrook
Council Member Yolonda Jorgensen (entered meeting at 7:58p)

Members absent: Council Member Mary Kenick

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

III. PEOPLE TO BE HEARD

1. Public Works Director Wayne Ogle addressed Council and the community to provide an update on the water quality research. Mr. Ogle stated that there has been a new pump system added to the pump house and the system has been flushed. Mr. Ogle provided before and after samples of the water. Mr. Ogle reported that the preliminary draft Bethel Heights Piped Water Distribution System Design Study Report has been completed with several recommendations to eliminate corrosion problems. This report will be forwarded to the Public Works Committee for review & input.
2. Pete Christian addressed Council to state that he understands the reason behind the water & sewer rates but inquired as to how the formula was calculated. Mr. Christian hopes that the City will provide more of a break down regarding the rates to the community.

3. Mark Springer, Chair of the Public Safety & Transportation Commission, addressed Council to report on the current Police staffing & possible fatigue issues.

IV. APPROVAL OF THE CONSENT AND REGULAR AGENDA

MOVED:	Middlebrook	To approve the Consent & Regular Agenda for the August 14, 2007 Regular City Council Meeting as amended, removing the 7/24/07 meeting minutes from the consent agenda
SECONDED:	Rodgers	
VOTE ON MAIN MOTION		
Carried unanimously		

V. SPECIAL ORDER OF BUSINESS

Item A- Appeal Council Member Tranthams Unexcused Absence Declared By Mayor Leinberger At The 7/24/07 City Council Meeting (Council Member Trantham)

Council Member Trantham addressed Council from the public hearing podium.

Council Member Trantham requested he be provided the rules & procedure regarding an appeal.

The City Clerk advised Council, per Robert's Rules, that the appeal is out of order; an appeal must be made at the time of the ruling.

Council Member Trantham stated that he is appealing the punishment.

The appeal was further discussed by Council.

Council Member Trantham cited a hearing for Council Member McGowan and requested the same.

Council Member Trantham requested to have the issue placed on the next City Council meeting agenda and request legal counsel.

Mayor Leinberger referred Council Member Leinberger to AML to seek guidance to pursue legal counsel.

MOVED:	McGowan	To place Council Member Tranthams matter on the next City Council meeting agenda
SECONDED:	Middlebrook	
VOTE ON MAIN MOTION		
Failed: 3 - 1 Leinberger voting against, Trantham abstain		

I. APPROVAL OF MEETING MINUTES

a) 7/24/07 Regular City Council Meeting

MOVED:	Middlebrook	To approve the 7/24/07 council meeting minutes
SECONDED:		
VOTE ON MAIN MOTION		
<i>Motion failed for lack of a second</i>		

MOVED:	McGowan	To suspend the rules to move agenda items D, E, and F under new business as the first items of business.
SECONDED:	Middlebrook	
VOTE ON MAIN MOTION		
Carried: 4 - 1 Trantham voting against		

II. UNFINISHED BUSINESS

Item A- Public Hearing of Ordinance 07-18: An Ordinance Amending 5.20 of The Bethel Municipal Code Regarding The Renewal Process For Chauffeur Licenses And Vehicle Permits

Public Hearing:

None

MOVED:	Middlebrook	To approve ordinance 07-18: An Ordinance Amending 5.20 of The Bethel Municipal Code Regarding The Renewal Process For Chauffeur Licenses And Vehicle Permits
SECONDED:	McGowan	
VOTE ON MAIN MOTION		
Carried unanimously		

Item B- Public Hearing of Ordinance 07-19: An Ordinance Amending 5.30.120 of The Bethel Municipal Code Regarding Insurance Requirements For Taxicabs

Public Hearing:
None

MOVED:	Middlebrook	To approve ordinance 07-19: An Ordinance Amending 5.30.120 of The Bethel Municipal Code Regarding Insurance Requirements For Taxicabs
SECONDED:	McGowan	
VOTE ON MAIN MOTION		
Carried unanimously		

Item C- Public Hearing of Ordinance 07-20: An Ordinance Amending 5.20.020 Of The Bethel Municipal Code Increasing Taxi Cab Rates

Public Hearing:

1. Ray Watson addressed Council to remind council and the community of the upcoming transit system and stated that there are many people that are too shy to address council and that the low income community members should be considered prior to this decision.
2. Frank Muzzaro addressed council and spoke in favor of ordinance 07-20.
3. Mark Springer addressed council to state that the Public Safety & Transportation Commission has discussed this matter and is planning per code to pursue this further. Mr. Springer spoke in favor of ordinance 07-20.

Council Member Jorgensen entered the meeting at 7:58p.

4. Alla Tinker addressed council to speak in favor of ordinance 07-20.

MOVED:	Trantham	To approve ordinance 07-20: An Ordinance Amending 5.20.020 Of The Bethel Municipal Code Increasing Taxi Cab Rates
SECONDED:	McGowan	
Council concurred to recess for 10 minutes		
MOVED:	Trantham	To amend the ordinance to strike through "new" and insert "maximum" under rates.
SECONDED:	McGowan	
VOTE ON MAIN		
Carried: 4 - 2		

MOVED:	Jorgensen	To amend the effective date to November 1, 2007.
SECONDED:	Midlebrook	
VOTE ON MAIN MOTION	Carried: 5 - 1 Trantham voting against	

MOVED:	Middlebrook	To amend the ordinance to strike \$165 from 5.20.160-Fees and insert \$185
SECONDED:	Trantham	
VOTE ON MAIN MOTION	Carried: 5 - 1 Rodger voting against	

Council Member Trantham stated that he has a potential conflict of interest.

Mayor Leinberger denied a conflict of interest for Council Member Trnatham.

MOVED:	Jorgensen	To table the ordinance until the next city council meeting
SECONDED:		
VOTE ON MAIN MOTION	<i>Failed for lack of a second</i>	

VOTE ON MAIN MOTION	Carried: 4 - 2 Rodger, Middlebrook voting against	
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Item A- Resolution 07-24: A Resolution Of The Bethel City Council Choosing To Pursue Conventional Waste Water Treatment Facilities

MOVED:	Middlebrook	To approve resolution 07-24: A Resolution Of The Bethel City Council Choosing To Pursue Conventional Waste Water Treatment Facilities
SECONDED:	Trantham	

MOVED:	Middlebrook	To amend the resolution to insert "at
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		conventional in the now therefore be it further resolved
MOVED:	Jorgensen	To divide the question
SECONDED:	Trantham	
VOTE ON MAIN MOTION	Carried unanimously	
MOVED:	Trantham	To suspend the rules to allow the Public Works Director to address this matter.
SECONDED:	Middlebrook	
<p>Public Works Director Wayne Ogle stated that it was a wise decision to pursue the MBR originally, however, the MBR which is cutting edge technology has become too costly. Mr. Ogle advised Council to review this as a multi generational concern and recommended that council proceed with the resolution to include a study of all the technologies and perhaps go out with an RFP for further study to build on the Jones report and to complete a side by side cost comparison of the different technologies.</p>		
VOTE ON MAIN MOTION	Carried unanimously	
VOTE ON MAIN MOTION	<i>Motion divided</i>	
<p>Amendment part one: Carried unanimously.</p> <p>Amendment part two: Carried unanimously.</p>		
VOTE ON MAIN MOTION	Carried unanimously	

MOVED:	Rodgers	To direct administration to follow the recommendation of the Public Works Director.
SECONDED:	Jorgensen	
VOTE ON MAIN MOTION	Carried unanimously	

Item B- Resolution 07-27: A Resolution Of The Bethel City Council Supporting The Transfer Of City Land On And Adjacent To The ONC Multipurpose Building

Vice-Mayor Rodgers declared a conflict of interest due to his seat on the ONC Board

Mayor Leinberger approved the conflict of interest declared.

MOVED:	Trantham	To table resolution 07-27 until the next city council meeting.
SECONDED:	Jorgensen	
VOTE ON MAIN MOTION		
Carried unanimously		

Item C- Public Hearing Of Ordinance 07-17: An Ordinance Increasing The Rates/Fees Charged For City Of Bethel Water And Sewer Services

An additional public hearing for ordinance 07-17 is set for August 28th

Public Hearing:

None

Item G- Public Hearing of Ordinance 07-21: An Ordinance Approving The Language Of The October 2007 General Election Ballot Proposition Increasing City Sales Tax

Public Hearing:

None

MOVED:	Jorgensen	To approve ordinance 07-21: An Ordinance Approving The Language Of The October 2007 General Election Ballot Proposition Increasing City Sales Tax
SECONDED:	Middlebrook	
VOTE ON MAIN MOTION		
Carried unanimously		
MOVED:	Jorgensen	To amend the ordinance to number the proposition No.1
SECONDED:	Middlebrook	
VOTE ON MAIN MOTION		
Carried unanimously		

MOVED:	Middlebrook	To amend the proposition to strike the word "for" and insert "which shall sunset on October 2, 2027".
SECONDED:	Jorgensen	
VOTE ON MAIN MOTION	Carried: 5 - 1 Rodgers voting against	
VOTE ON MAIN MOTION	Carried: 5 - 1 Rodgers voting against	

III. NEW BUSINESS

Item A- Resolution 07-28: A Resolution Requesting FY08 Payment In Lieu Of Taxes Funding From The Department Of Commerce, Community, And Economic Development

Resolution 07-28 was approved on the consent agenda

Item B- Resolution 07-29: A Resolution Supporting The Inclusion Of Methylmercury Human Health Criteria As A Priority In The State Of Alaska Triennial Water Quality Review

Resolution 07-29 was approved on the consent agenda

Item C- Committee/Commission Appointments & Council Employee Leave Requests As Agenda Action Items

MOVED:	Middlebrook	To direct the City Clerk to place committee/commission member applications and council employee leave requests as agenda action items
SECONDED:	Jorgensen	
VOTE ON MAIN MOTION	Carried unanimously	

Item D-Public Official Financial Disclosure Statements

MOVED:	Trantham	To direct the City Clerk to post all current and future council member Public Official Financial Disclosure Statements on the City of Bethel Website
SECONDED:	Middlebrook	

VOTE ON MAIN MOTION	Failed: 3 - 3 Leinberger, McGowan, Jorgensen voting against

Item E-Discussion Of Ethics & Ordinance 06-23: An Ordinance Detailing Responsibilities Of City Council Members, Municipal Officers, Appointed Officials, And Employees Of The City Of Bethel, And Conflicts Of Interest

MOVED:	Middlebrook	To suspend the rules to proceed past 10p
SECONDED:	Trantham	
VOTE ON MAIN MOTION	Carried: 5 - 1 Rodger voting against	

Council member Trantham advised Council to take a look at the current ethics ordinance and improve on it.

IV. REPORT OF STANDING COMMITTEES

Planning Commission (Vice-Mayor Rodgers) stated that the Commission last met and discussed the following:

- Waver for Albert Bianci
- Lot 5B
- New court house expansion in honor of Mrs. Guinn

Finance Committee (Council Member Trantham) stated that the committee discussed the following at their last meeting:

- 3 vacancies
- Recommendation by the committee to explore all viable option for the sewer treatment
- Liquor store feasibility study
- Sales tax holiday
- Outsourcing utility billing
- Business Plan

Public Safety & Transportation Commission (Council member Middlebrook) state that the commission discussed the following at their last meeting:

- Appeals for taxi permits & chauffer licenses'
- Police Office new hire & CSO
- Staffing requirement of the police department & recruitment
- Taxi vehicle license fee & record retention

Cemetery Committee (Mayor Leinberger) stated that the committee has not met since the last council meeting.

Alternative Energy Committee (Mayor Leinberger) stated that the committee has not officially met due to a lack of a quorum, however a work session was held and the following was discussed:

- generator penetration system

Public Works Committee (Council Member McGowan) stated the committee has not met since the last council meeting.

Parks & Recreation Committee (Council member Jorgensen) stated that the committee has not officially met due to a lack of a quorum but did hold a work session to discuss community awareness of the upcoming proposition.

V. MAYOR'S REPORT

Mayor Leinberger appointed Linda Fife to the Parks & Recreation Committee

MOVED:	Trantham	To confirm the appointment of Linda Fife to the Parks & Recreation Committee
SECONDED:	Rodgers	
VOTE ON MAIN MOTION		
Carried unanimously		

- City of Emmonak letter regarding ordinance 07-11
- Calista Corporation letter regarding ordinance 07-11
- City of Crooked Creek resolution in opposition of ordinance 07-11
- City of Chevak letter regarding the annual TundraFest
- Barrick Gold letter regarding the 2006 Responsibility Report
- YKHC meeting with Senator Murkowski
- AML Summer meeting in Healy
- Luncheon on Commissioner Notti

VI. MANGER'S REPORT

- AML Summer Meeting & policy statement
- Antone Anvil Trail
- Schedule of the force main line replacement
- City of Bethel 50th Anniversary

VII. CITY CLERK'S REPORT

- Candidacy filing period
- Committee/Commission vacancies

VIII. COUNCIL MEMBER COMMENTS

Vice-Mayor Rodgers-hug an elder

Council Member Trantham- stated that AML took a position that they would be responsible for 15% of the unfunded liability and the state legislature said 22% was the best they could do which Council Member Trantham stated is unfair. Council Member Trantham stated that the City of Bethel is being charged 8.25% interest annually and this will continue to fluctuate. Council Member Trantham stated that he will not be running for re-election and will not serve on the AML Board after October. Council Member Trantham thanked the department heads for their reports through the City Manager. Council Member Trantham stated that the Institute of the North has invited him to attend their annual meeting which he cannot attend and suggested that another representative attend.

Council Member Middlebrook reminded the community of the work session scheduled for the review of the water & sewer rate ordinance. Council Member Middlebrook encouraged interested community members to file for candidacy.

Mayor Leinberger encouraged community members to file for candidacy.

Council Member McGowan-no comment

Council Member Jorgensen- reminded the community to register to vote for the upcoming election.

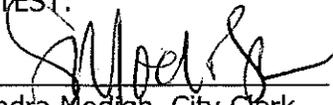
IX. ADJOURNMENT

MOVED:	Rodgers	To adjourn the meeting at
SECONDED:	Middlebrook	
VOTE ON MAIN MOTION	Carried unanimously	

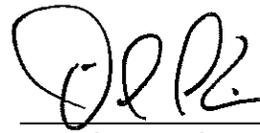
With no further business before the Council the meeting adjourned at 10:57p

APPROVED THIS 28th DAY OF AUGUST 2007.

ATTEST:



Sandra Modigh, City Clerk



Daniel C. Leinberger, Mayor