
City of Bethel, Alaska

City Council Minutes

January 11, 2005

Regular Meeting

Bethel, Alaska

CALL TO ORDER

A regular meeting of the Bethel City Council was held on January 11, 2005, at 6:30 p.m., in the Council Chambers, Bethel, Alaska.

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

ROLL CALL

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

Andy McGowan	Dave Trantham
Hugh Dymment	R. Thor Williams
Stanley "Tundy" Rodgers	Dan Leinberger
Yolanda Jorgensen (<i>joined telephonically from 6:36 p.m. until 8:48 p.m.</i>)	

Also in attendance were the following:

Robert Herron, City Manager
Selena Malone, City Clerk
Sandra Modigh, (Prospective City Clerk)

PEOPLE TO BE HEARD

Julius Pleasant, Sr.

- Spoke of personal experiences and told a story about values.
- Spoke of the relationship between the SAB, management, and the Council and the affects of budget cuts.
- Stated that he would like to continue to see the growth and improvements of the Senior Center.

APPROVAL OF MINUTES

MOVED BY:	Trantham	To approve the minutes of the December 09, 2004, Special Meeting Minutes as amended.
SECONDED BY:	Rodgers	

Council Member Williams indicated that the "call to order" time should be noted as 2:17 p.m. instead of 12:17 p.m.

VOTE ON MOTION	Motion carried by unanimous consent 7-0.
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MOVED BY:	Williams	To adopt the December 12, 2004 Regular Meeting Minutes.
SECONDED BY:	Rodgers	

Council Member Williams indicated that "members" under the Clerk's report should be capitalized.

VOTE ON MOTION	Motion carried by unanimous consent 7-0.
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MOVED BY:	Rodgers	To adopt the December 16, 2004 Special Meeting Minutes.
SECONDED BY:	Williams	

Council Member Williams stated that the word "Member" needed to be added before "Trantham" on page 12 of the Council packet.

VOTE ON MOTION	Motion carried by unanimous consent 7-0.
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MOVED BY:	Rodgers	To approve the minutes of the December 22, 2004, Special Meeting Minutes as amended.
SECONDED BY:	Trantham	

VOTE ON MOTION	Motion carried by unanimous consent 7-0.
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MOVED BY:	Rodgers	To suspend the rules to allow public testimony from audience members who arrived late.
SECONDED BY:	Trantham	

VOTE ON MOTION	Motion carried by unanimous consent 7-0.
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Marie Ayagarak from one of the local Yup'ik dance groups shared, with the Council, the invitation for her dance group to go to Japan. Ms. Ayagarak requested sponsorship for the dance group to travel to Japan.

APPROVAL OF CONSENT AND REGULAR AGENDA

MOVED BY:	Rodgers	To approve consent and regular agenda for January 11, 2005 Regular Meeting as amended.
SECONDED BY:	Leinberger	

Council Member Williams requested that Item A under New Business be removed from the consent agenda.

VOTE ON MOTION	Motion passed by a unanimous roll call vote of 7-0.
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MAYOR'S REPORT

- Appointments to committees/commission

MOVED BY:	Trantham	To affirm the Mayor's appointment of John Hastie to the Public Safety and Transportation Commission.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion passed by unanimous consent 7-0.
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MOVED BY:	Rodgers	To affirm the Mayor's appointment of Donna Hanley to the Parks and Recreation Committee.
SECONDED BY:	Leinberger	

VOTE ON MOTION	Motion passed by unanimous consent 7-0.
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- Report on AML Conference of Mayors

MOVED BY:	Trantham	To approve travel for Mayor Dymont to attend the AML Mayor's Conference in Juneau from January 25 – 26, 2005.
SECONDED BY:	Leinberger	

VOTE ON MOTION	Motion passed by a unanimous roll call vote of 7-0.
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MOVED BY:	Leinberger	To approve Council Member Trantham's payment of airfare to attend the AML Board of Director's meeting in Juneau.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion passed by a unanimous roll call vote of 7-0.
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- Letter from a student requesting a skating park
- Letter from the District Attorney's Office to Chief of Police, Ben Dudley, commending Sgt. Terry Stonecipher for the good job he does.

MOVED BY:	Rodgers	To frame the letter and issue a certificate of appreciation to Mr. Stonecipher.
SECONDED BY:	Williams	

Council Member Trantham requested that the letter be forwarded to all local media.

VOTE ON MOTION	Motion carried by unanimous consent 7-0.
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- Letter from local dance group
- Letter from American Legion Post #10 (*Referred to the Planning Commission*)

- Letter from Natural Resources Conservation Services (*Referred to the Planning Commission*)
- Weekly email from Governor Murkowski

A break was taken from 7:37 p.m. until 7:48 p.m.

MOVED BY:	Rodgers	To suspend the rules to address Item B under Unfinished Business immediately.
SECONDED BY:	Leinberger	

VOTE ON MOTION	Motion carried by unanimous consent 7-0.
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ITEM B – Public Hearing of Ordinance #04-30: An Ordinance authorizing the City Council to dispose of an approximate 1,700 S/F Portion of Tract B1, Resubdivided Block 9, City Subdivision, US Survey 3770, NW Addition to the Bethel Townsite to Irene and Joseph Venes Jr. as property no longer necessary for municipal purposes.

Public Testimony:

Joseph "Sonny" Venes

- Stated that he inadvertently went into the City property when putting on the addition to his house.
- Expressed his apology for being in non-compliance.

City Manager Herron

- Gave some history regarding Sonny's property problem and indicated that the Planning Commission had approved this ordinance.

MOVED BY:	McGowan	To adopt Ordinance #04-30.
SECONDED BY:	Rodgers	

Council Members discussed the appraised value of the property.

VOTE ON MOTION	Motion carried by a roll call vote 6-1 (No – Williams).
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MANAGER'S REPORT

- Tsunami Donation
- Era Aviation Announcement
- Crowley Yukon Merger Update
- ONC's ICDBG Application
- Membrane Bioreactor Report
- Kuskokwim 300 Donation of Water/Sewer Services

MOVED BY:	Rodgers	To authorize Administration to approve the extra waters/ sewer deliveries if families sponsoring K-300 need it, as long as it does not require overtime payment to the City employees.
SECONDED BY:	Leinberger	

VOTE ON MOTION	Motion carried by unanimous roll call vote 6-1 (No – Williams).
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- Port Authorities
- Personnel Matters
- City Manager Travel Status

MOVED BY:	Williams	That the Council does not approve the City Manager's request for travel for January 2005.
SECONDED BY:	Rodgers	

Council Members discussed the reasons why City Manager Herron should not be granted paid leave for travel to three meetings in January.

City Manager Herron stated that he would take personal leave on January 13th and 14th to attend on of the meetings.

VOTE ON MOTION	Motion failed by roll call vote 3-4 (No – Leinberger, McGowan, Jorgensen, and Dymant).
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Council Member Jorgensen was disconnected from the phone at 8:48 p.m.

A break was taken from 8:39 p.m. until 8:49 p.m.

CLERK'S REPORT

- Committee/Commission Member List Update
- Codification
- BMC Update

Requested by the Mayor, the City Clerk is to create a file with BMC discrepancies.

REPORTS OF STANDING COMMITTEES

Public Works Committee - Council Member Leinberger reported that the Public Works Committee met on December 21, 2004. Mr. Leinberger reported that discussions included the car crusher contract, the situations with Village Safe Water, corrosion issues at the Bethel Heights water plan, and the YKHC Subdivision water status. Council Member Leinberger also noted that one of the City's utility trucks was equipped with a meter.

Mike O'Brien gave an overview of the Public Works Committee's recommendation to change the code to increase the tank sizes for new homes in order to decrease the number of trips made by the City utility trucks. Mr. O'Brien brought a resolution that was passed in August 2004 regarding an agreement between Department of Transportation and the City of Bethel for the City to maintain Standard Oil Road in exchange for paving Ptarmigan Road. Mr. O'Brien requested that the Public Works Committee be provided the ordinances that initially established the Planning Commission.

Council gave unanimous consent to invite the Director of the Department of Transportation to Bethel.

Finance Committee – Council Member McGowan reported that the Finance Committee would meet on January 27, 2005.

Public Safety and Transportation Commission – Mayor Dymont read a recommendation from the Public Safety and Transportation Commission to reduce the membership from nine members to seven members, and the requirement of having two cab drivers to one cab driver.

Port Commission - Council Member Williams reported on the fencing of the dock, the Quonset hut, the Crow property, moving a pipe on the seawall, the port's five-year plan, and the \$10 renewal fee for permits. Mr. Williams thanked Howard Elliott for his services as the Port Director. Council Member Williams indicated that the next Port Commission meeting was scheduled for January 18, 2005.

Senior Advisory Board – Council Member Trantham reported that there was no quorum for the January 11, 2005 meeting. Mr. Trantham indicated that their next meeting was rescheduled for January 18, 2005, at 10:30 a.m. at the Senior Center. Council Member Trantham acknowledged the donations to the Senior Center from the community and requested that Louise Charles, Director of the Senior Center, read a letter regarding improvements made to the Senior Center.

Planning Commission – Council Member Rodgers reported that the next Planning Commission was scheduled for January 13, 2005. Mr. Rodgers read the Planning Director's report on the Corp of Engineers Annual Report. Council Member Rodgers also gave an update on NFIP status on upgrading the flood plane mapping. Mr. Rodgers expressed his concerns regarding the non-compliance of code enforcement regarding easement setbacks.

Council directed Administration to look into the Old First National Bank Building.

MOVED BY:	Rodgers	To suspend the rules to go past 10:00 p.m.
SECONDED BY:	Williams	
VOTE ON MOTION	Motion passed with Council concurrence.	

A break was taken from 9:52 p.m. until 10:00 p.m.

UNFINISHED BUSINESS

Item A – Public Hearing of Ordinance #04-28: An Ordinance amending Section 13.16.101 of the Bethel Municipal Code to remove churches from a monthly flat rate of \$45.00 to a residential service rate of \$12.00

Public Hearing:

None

MOVED BY:	Leinberger	To adopt Ordinance #04-28.
SECONDED BY:	McGowan	

Council Member Leinberger stated he supports the Ordinance for religious purposes, not due to the "churches do not produce large amounts of trash" arguments.

MOVED BY:	Williams	To amend Ordinance #04-28 Sec.3- Effective Date to read: This Ordinance shall take effect retroactive back to July 1, 2004.
SECONDED BY:	Trantham	

Council Member Williams stated that he believes it was the intent of Ordinance #04-03 or #04-06 to charge local businesses a monthly flat rate, not churches.

VOTE ON MOTION	Motion passed 4-2 (no – Rodgers & Dymont).
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Council Members discussion regarding adoption of Ordinance #04-28 as amended.

VOTE ON MOTION	Motion passed 4-2 (no- Rodgers & Trantham).
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NEW BUSINESS

Item A - Introduction of Ordinance #04-09(B): An Ordinance of the Bethel City Council amending the adopted Annual FY 2004-2005 Budget.

MOVED BY:	Williams	To postpone the Introduction of Ordinance #04-09 (B) to the first meeting in February. Allowing Council time to review the audit.
SECONDED BY:	McGowan	

Council Member Williams stated Council has not had time to review the budget modifications.

Mayor Dymment stated he's opposed to the motion; he'd like to address the budget modifications before a month's time.

Council Member agreed with Mayor Dymment.

VOTE ON MOTION	Motion fails (no- Rodgers, Leinberger, and Dymment).
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MOVED BY:	Leinberger	To Introduce Ordinance #04-09 (B).
SECONDED BY:	McGowan	

Council Member discussion whether or not to amend the motion to review the budget modifications line by line.

VOTE ON MOTION	Motion passed 4-2 (no- Trantham & Williams).
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MOVED BY:	Trantham	To set two Public Hearings (1.25.05 & 2.8.05) for Ordinance #04-09 (B).
SECONDED BY:	Williams	

Mayor Dymment spoke against the motion; two Council members may be out of town.

Council Member Leinberger stated he thought the request was a bit premature to schedule a second Public Hearing without conducting the first.

VOTE ON MOTION	Motion passed 5-1 (no-Leinberger).
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Item B - Introduction of Ordinance #05-01: An Ordinance providing for preliminary and final right-of-way acquisition plats for the State Department of Transportation and Public Facilities' acquisition of property for the right-of-way necessary to upgrade Tundra Ridge Road.

Item B-Introduced on the Consent Agenda.

Item C - Resolution #05-01: A Resolution calling for the reinstatement of the State of Alaska's revenue sharing program(s) during the current fiscal year. (Leinberger)

MOVED BY:	Rodgers	To adopt Resolution #05-01.
SECONDED BY:	McGowan	

Council Member Trantham spoke in favor of the Resolution; made suggestions to change the verbiage.

Council Member discussion regarding Resolution #05-01 wording.

MOVED BY:	Leinberger	To amend Resolution #05-01 to read: The Bethel City Council calls for the creation of a State of Alaska Municipality, a community dividend/tax relief program(s) during the current fiscal year. 1/11/05
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion passed with Council concurrence.
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VOTE ON MOTION	Motion passed with Council concurrence.
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Item D - Approval of the new City Clerk's contract.

Council Member Williams requested a five-minute recess to allow Council to review the City Clerk's contract.

A break was taken from 10:52 p.m. until 10:59 p.m.

MOVED BY:	Rodgers	To suspend the rules to continue the Council Meeting past 11:00 p.m.
SECONDED BY:	Williams	

VOTE ON MOTION	Motion passed with Council concurrence.
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Council Member Williams gave Council a brief history of how the contract was devised. The contract before the Council is a counter request by Mrs. Modigh.

Council Member McGowan and Council Member Trantham requested a renegotiation date of three years from the hire date be added to the contract.

Council Member Leinberger requested the City Attorney review the final contract.

Council Member Leinberger stated he liked the incentive bonuses, however the 10% increases need to be addressed.

Council Member McGowan reminded Council that the City Clerk position is an "at will" employee without protection.

Council Member Williams pointed out the contract reads the pay increases and incentive bonuses are at the discretion of the Council.

Mayor Dymont pointed out Section B., The Incentive Plan does not read at the sole discretion of the Council.

Mayor Dymont suggested the 10% pay increases be changed to 5%.

Council Member Rodgers suggested the incentives should stay in the contract.

Council Members discussed the 10% verses the 5% annual pay increases.

Council Member Leinberger suggested the 3-year incentive bonus be a gross sum of \$12, 500 instead of a net amount.

Mayor Dymont suggested \$11, 500 gross bonus included as part of the salary, Mrs. Modigh agreed.

Council agreed on the pay increases.

Council requested Mrs. Modigh to email the contract to the current City Clerk.

MOVED BY:	Williams	To adopt the contract as amended by Council pending legal review.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion passed with Council concurrence.
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Council Member Trantham suggested sending Mrs. Modigh to Juneau for an AML training conference.

MOVED BY:	Williams	To arrange travel for Mrs. Modigh to attend the AML Clerk's training in Juneau the first week in February.
SECONDED BY:	Rodgers	

Council Member Trantham suggested to Council to send Mrs. Modigh to Juneau for an AML training conference.

Council discussed the City Clerk's travel budget; there are enough funds for Mrs. Modigh to attend the training conference.

VOTE ON MOTION	Motion passed with Council concurrence.
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Item E - Discussion of outsourcing the Finance Department's duties.

Council Member Leinberger stated there are key reports that have not been completed in a timely manner, for example, the reconciliation.

Council Member Leinberger requests Council to discuss the options to:

- a) Outsource Finance Department duties
- b) Fund Finance position to complete the department duties

Council Member Williams pointed out the General Ledger position is already funded in the budget modifications.

Council Member Williams suggested outsourcing; eliminating positions the Finance Department is not able to fill to fund the RFP.

Council Member Leinberger stated he would be reluctant to offer up the funding for the GL position, he feels the position is necessary.

Council Member McGowan suggested the Finance Department devise a plan for the Council to review and discuss.

Council Member Williams would like for the City to come up with a solution.

Mr. Strahan stated he would be happy to look into the Council request.

MOVED BY:	McGowan	Through the City Manager, the Finance Department begins investigating the idea of outsourcing and where it would be helpful.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion passed with Council concurrence.
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Item F - Discussion of the termination of the City website.

Council Member Williams researched other City websites that are a continually updating the website.

Council Member Williams stated that our City website is not updated as it should be.

The City Manager researched hits on our website and her does not believe the website should be terminated.

City Clerk requested Council to remind department heads of their responsibility and duties to update their area of the website.

The City Manager stated the website is simple yet complex.

MOVED BY:	Williams	To direct Administration to explore local service providers and computer experts to maintain the City website.
SECONDED BY:	McGowan	

Council Member Leinberger stated he does not want to limit the explorations to local services only.

MOVED BY:	Williams	To suspend the rules to go past 12:00 p.m.
SECONDED BY:	Leinberger	

VOTE ON MOTION	Motion failed 2-4 (no- Leinberger, Rodgers, Dymont, and McGowan).
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MOVED BY:	Leinberger	To adjourn.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion passed with Council concurrence.
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VOTE ON MOTION	<i>Meeting adjourned before motion was voted on.</i>
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Item G - Discussion of hiring a staff attorney.

Item not discussed, meeting adjourned.

COUNCIL MEMBER COMMENTS

Meeting adjourned before Council Member Comments

Council Member Rodgers –

Council Member Trantham –

Council Member Williams –

Council Member Jorgensen –

Council Member Leinberger –

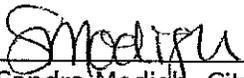
Council Member McGowan –

Council Member Dymant –

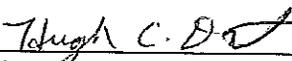
With no further business before the Council, the meeting was adjourned at 12:04 p.m.

APPROVED THIS 22nd DAY OF February, 2005.

ATTEST:



Sandra Modigh, City Clerk



Hugh Dymant, Mayor