CITY COUNCIL
Tad Miller
Dario Notti
Mike O'Brien
Agnes Phillips
Ruth Richardson, Mayor
Stanley Rodgers
Thor Williams

CITY MANAGER
Ken Weaver

CITY CLERK
L.J. Tanner

City of Bethel
Regular Council Meeting Minutes
March 25, 1997

I. CALL TO ORDER

The meeting was convened at 6:30 p.m. by Mayor Richardson in the Log Cabin, Bethel, Alaska.

II. ROLL CALL

Present: Miller, Notti, O'Brien, Phillips, Richardson, Williams
Absent: Rodgers (excused)

Also present: City Manager Ken Weaver, City Clerk L.J. Tanner, 19 persons in audience.

III. PEOPLE TO BE HEARD

Dave Trantham of Bethel, thanked AVCP-RHA for implementing a new screening policy that has helped weed out bootleggers. Mr. Trantham also thanked the City of Bethel and Dan Poe of GTE for getting the 311 non-emergency phone system operational. He thanked Mike O'Brien for raising the issue of community watches. Mr. Trantham urged the Council to be leaders in implementing community watches.

IV. APPROVAL OF MINUTES

Council Member Phillips noted that the wording of the motion to go into Executive Session needed to be corrected.

motion M/M by Miller, 2nd by Phillips to approve the minutes of the March 11, 1997, regular meeting as corrected.

vote Voice vote. Motion carried unanimously.

V. APPROVAL OF AGENDA

motion M/M by O'Brien, 2nd by Notti to approve the agenda as presented.

vote Voice vote. Motion carried unanimously.

VI. MAYOR'S REPORT

Mayor Richardson noted that she had received a letter from the Honorable Dale Curda, regarding remarks she had made at a previous Council meeting about janitorial problems at the Courthouse. Ms. Richardson stated that her remarks were not intended to be in jest, and that the City Manager had followed through on the janitorial complaints.

Next, Mayor Richardson announced that a community forum meeting had been scheduled for Monday, March 31, at the Cultural Center. The meeting would focus on issues of community-wide concern.

Mayor Richardson expressed concern that the water and sewer pipes being installed for the new AVCP subdivision will apparently not be close enough for nearby residents to easily connect. She asked that in the future, when any agency is installing water and sewer pipes, the City make sure that the pipes are proximate to other residents who will want to connect to the system.

Mayor Richardson thanked the organizers, volunteers, and performers at the annual Camai Festival. This year's festival was a great event.

Lastly, Mayor Richardson stated that she would attend the next meeting of the Public Safety Commission. She is concerned about some of the Commission's comments, but feels it is a valuable group if they do not try to micro-manage. She plans to attend all of the committee and commission meetings during the month of April.

VII. MANAGER'S REPORT

City Manager Weaver referred Council to his written reports, and discussed the following:

- Bank Stabilization Project: Mr. Weaver pointed out a memo from lobbyist Paul Richards regarding the funding for the seawall project. Funding for the project is precarious. He added that Port Director Stuart Greydanus is working on the City's land credits.
- Comprehensive Plan Workshop - the next in a series of workshops will be held on Monday, March 31, 7:30 pm at the Lion's Club.
- Dust Control: Council members Miller and Williams had questions about the dust control plan submitted by Public Works Director Harry Parsi. Mr. Parsi answered their questions.

VIII. REPORTS OF STANDING COMMITTEES and COMMISSIONS

Finance Committee: Council Member Phillips reported that the Committee had met, and recommended that the City privatize hauled water, sewer, and refuse collection. RFP's will need to be written. Committee member Don Tubbs resigned from the Committee. The Committee gave a plaque of appreciation for obtaining the City's first clean audit, to Finance Director Bonnie Duke and her staff.

Planning Commission: Council Member Notti stated that the Commission had met, but that he was unable to attend. Minutes are forthcoming.

Port Commission: Council Member Rodgers was absent, so there was no report.

Public Works Committee: Council Member O'Brien reported that the Committee did not meet due to lack of a quorum.

Public Safety Commission: Mayor Richardson stated that she was absent at the Commission's last meeting, but she has some concerns that she will address at the April meeting.

Transportation Commission: Council Member Williams stated that the Commission had met and suggested several changes to the Vehicle for Hire Ordinance, which have been distributed to the Council. He would like Council approval to refer these suggestions to the City Attorney. Mr. Williams also directed Council's attention to the Commission's Resolution regarding Shared Road Use.

Youth Services Committee: Council Member Miller reported that the Committee had met, he was unable to attend, but that minutes from the meeting are in the packet.

Mayor Richardson re-appointed Helena Andrew to the Public Safety Commission.

motion M/M by Miller, 2nd by O'Brien to ratify the Mayor's re-appointment of Helena Andrew to the Public Safety Commission.

vote Voice vote. Motion carried unanimously.

IX. OLD BUSINESS

Item A: Resolution #97-15, Supporting SB 29, the "Safe Communities" Bill
Council Member O'Brien read the Resolution

motion M/M by O'Brien, 2nd by Williams to adopt Resolution #97-15.

vote Voice vote. Motion carried unanimously.

Item B: Discussion - Honeybucket Waivers and Penalties
Council Member O'Brien, who requested the agenda item, explained why he thinks it is important for the Council to discuss. Waivers to the City's ban on honeybuckets were issued years ago, and many have long expired. A report prepared by Public Works indicates that large amounts of greywater are being released by homes with that receive City water, but do not have sewage holding tanks. The Police Department can issue citations for greywater release, which is also against state statutes. City Manager Weaver stated that the City needs to develop a consistent policy for enforcing the honeybucket ban and waivers. Council Member Miller agreed, but asked that consideration be given to people to don't qualify for grants, yet can't afford to install tanks. Mayor Richardson suggested that a group of citizens could probably combine orders for tanks and receive a quantity discount. Ms. Richardson also suggested that the Public Works Committee look at the issue and come up with recommendations for enforcement. Council Member Phillips mentioned that this issue has been discussed at the visioning meetings for the City's comprehensive plan update. Council agreed to refer the matter to Public Works, and placed the item on the April 22, 1997 regular Council agenda.

X. NEW BUSINESS

Item A: Introduction of Ordinance #97-01 - Acquisition of a Road ROW

motion M/M by Notti, 2nd by Williams to introduce Ordinance #97-01.

vote Voice vote. Motion carried unanimously.

Item B: Resolution #97-17 - Regarding Snow-machine Trail Markings.
Council member Notti read the Resolution.

motion M/M by Miller, 2nd by Phillips to adopt Resolution #97-17.

Several Council members had questions about the Resolution, answered by Council member Notti.

vote Voice vote. Motion carried, unanimously.

Item C: Resolution #97-18, Objecting to use of State Funds to oppose the Indian Country ruling
Council member Miller read the Resolution.

motion M/M by Notti, 2nd by Phillips to adopt Resolution #97-18.

Council briefly discussed the Resolution, and the possible effects of the Venetie Indian Country on the City of Bethel.

vote Voice vote. Motion carried, unanimously.

Item D: Resolution #97-19, Appreciation of the Department of Public Works
Council member Miller read the Resolution and explained his reasons for bringing it to Council.

motion M/M by Notti, 2nd by Phillips to adopt Resolution #97-19.

Council member O'Brien stated that he understood the sentiment behind the Resolution, and believed it was well overdue. Mr. O'Brien suggested that each quarter, a different City department be recognized.

vote Voice vote. Motion carried, unanimously.

Item E: Loan or Lease of City Property to Bethel Search and Rescue
Council member Miller, who requested the agenda item, explained that he would like the City Planner to help Bethel Search and Rescue find a suitable site to lease from the City. City Manager Weaver stated that the City Planner had already met with BS&R and shown them several parcels of land. The City is waiting to hear back from BS&R.

Item F: Discussion - Cost to remove boats from the Small Boat Harbor
Council member Williams, who requested the agenda item, apologized for any incorrect statements he might have made about the removal of boats from the harbor. He still thinks that the City should have a firm policy against boats being left in the harbor over the winter. Mayor Richardson asked to have the Port Commission review this at their next meeting.

Item G: Resolution #97-20 - Authorizing an Application for a Coastal Zone Management Grant
City Manager Weaver read the Resolution. City Planner John Malone explained the purpose of the grant.

motion M/M by Miller, 2nd by O'Brien to adopt Resolution #97-20.

vote Voice vote. Motion carried, unanimously.

Item H: Discussion - 311 Phone System and Community Watch update
Council member O'Brien, who requested the agenda item, said that he is delighted that the 311 non-emergency system is in use. With this system, Bethel has, in effect, a 5,000 member community watch. Council member Miller asked if the Public Safety Commission had reviewed the 311 system before it's implementation. Mayor Richardson answered that the Commission had not reviewed the system, but will at their next meeting. Council member O'Brien asked the City to get the word out about 311 through Public Service Announcements.

Item I: Discussion - Changes to the Vehicle for Hire Ordinance
Council member Williams, who requested the agenda item, explained that the Transportation Commission has come up with a list of changes to the ordinance, that they would like to have reviewed

by the City Attorney. Council briefly reviewed and discussed the proposed changes. Council member Miller stated that he would like the Commission to learn more about substance abuse and mental illness before making changes to 5.40.030(d)5 and 5.30.040(c)2.

motion M/M by Miller, 2nd by O'Brien to send all of the proposed changes, except the changes to 5.40.030(d)5 and 5.30.040(c)2, to City Attorney Lee Sharp for review and drafting of an ordinance.

vote Roll call vote. Motion failed, 2-Yes, 4-No (Notti, O'Brien, Phillips, Williams)

motion M/M by Williams, 2nd by O'Brien to send all of the proposed changes, to City Attorney Lee Sharp for review and drafting of an ordinance.

vote Voice vote. Motion carried, 5-Yes, 1-No (Notti)

After the vote, Council briefly discussed the issue of Transportation Commissioners who have a conflict of interest due to their involvement in the industry. Council member Miller noted that the ordinance, after being drafted by the City Attorney, can be amended by the Council. Council member Notti pointed out that the proposed changes to the ordinance were given to the Council just moments before the meeting began. The City Clerk explained that since the list of proposed changes was finalized by the Commission only hours before the meeting, this was the soonest that the materials could be given to Council. Mayor Richardson directed that in the future, any materials to be discussed at a Council meeting should be given to the Clerk on the Wednesday before packets are distributed. Discussion on materials that are not ready in time will be moved to the next Council meeting.

Item J: Introduction of Ordinance #97-02

motion M/M by Miller, 2nd by O'Brien to introduce Ordinance #97-02.

vote Voice vote. Motion carried, unanimously.

Item K: Introduction of Ordinance #97-03

motion M/M by Miller, 2nd by Williams to introduce Ordinance #97-03.

vote Voice vote. Motion carried, unanimously.

XI. COUNCIL MEMBER COMMENTS

Miller - Reminded everyone of a YK Lifesavers meeting, Wednesday, March 26, 7:00 at the KVNA building, and of the Easter Egg contest at the AC.

Notti - Enjoyed the Camai Festival. Mentioned a letter he had received from Swanson's with regard to the single-sale unit tax cap. Has spoken to all marinas in Bethel, and they want the cap to remain at $3,500.00.

O'Brien - Glad to be back in town after lots of village travel. Reminded people that the spring thaw is on the way, please exercise caution on lakes and rivers.

Phillips - Thanked Linda Curda for an excellent job organizing the Camai Festival, and thanked all the dancers, volunteers, and the community.

Richardson - Wished Tundy a speedy recovery. Noted that she had a teleconference with Dept. of Corrections Commissioner Margaret Pugh, regarding the budget cuts proposed by the legislature. She is concerned about the effect of these cuts on Bethel.

Rodgers - absent, no comment.

Williams - Suggested that the Council institute a "Person of the Year" type of award. Noted that foster parents are needed in Bethel, and encouraged people to volunteer. Sends his family in Kwethluk love and support.

City Manager Weaver brought a letter regarding the Inlet Salmon Bankruptcy to the Council's attention. Immediate attention is needed.

motion M/M by Williams, 2nd by O'Brien to suspend the Rules of Procedure to allow discussion and action on the Inlet Salmon Bankruptcy.

vote Voice vote. Motion carried unanimously.

Mr. Weaver explained that former City Attorney Brooks Chandler, who is still handling the Inlet Salmon Bankruptcy case for the City, has recommended that the City vote to accept the plan as a class U-2-A creditor. Mayor Richardson asked Marc Stemp, President of BNC, and Chairman of the Bankruptcy Committee, to address the Council. Mr. Stemp agreed with the City Attorney's opinion. City Manager Weaver explained the differences between options U-2-A and U-2-B.

motion M/M by Miller, 2nd by O'Brien to accept the Inlet Salmon Bankruptcy Plan as a Class U-2-A creditor, as recommended by Attorney Brooks Chandler and BNC President Marc Stemp.

vote Voice vote. Motion carried unanimously.

motion M/M by O'Brien, 2nd by Williams to authorize the City Manager to cast the ballot voting for acceptance of the Inlet Salmon Bankruptcy Plan as a Class U-2-A creditor.

vote Voice vote. Motion carried unanimously.

XIII. EXECUTIVE SESSION

motion M/M by O'Brien, 2nd by Phillips to take a 5-minute break, and then reconvene in Executive Session for the purpose of discussing the BNC Tideland Agreement, at 9:25 p.m.

Mayor Richardson asked if Mr. Stemp would like to address the Council at this time. Council member Miller noted that the Council can ask Mr. Stemp to join the Executive Session if they have any questions.

vote Voice vote. Motion carried unanimously. *Mayor Richardson left the Council chambers at this time.*

motion M/M by Williams, 2nd by Miller to come out of Executive Session at 10:25 p.m.

vote Voice vote. Motion carried unanimously.

Council member Miller said that he would like to place the BNC Tidelands Agreement on the 4/22/97 regular Council meeting agenda, and that the Council would like to free up the time of the City

Manager, City Planner, and Port Director by keeping negotiations between the attorneys. Mayor Richardson asked if the agreement that had been negotiated was still on the table. Council member Miller responded that it was. Marc Stemp of BNC, at Mayor Richardson's request, informed that Council that if an agreement was not finalized by Friday, March 28, BNC would have to file an appeal of the State's decision to deed the tidelands to the City, in Federal Court. After further discussion by the Council and City Manager, Council member Miller asked the Council if they could hold an emergency meeting on Thursday, March 27, at 5:00 p.m. to expedite the agreement. Council agreed.

motion M/M by Williams, 2nd by Notti to go into Executive Session for the purpose of communicating with the City Manager on topics that if known publicly, might harm his personal and professional reputation and integrity, at 10:40 p.m.

vote Voice vote. Motion carried unanimously. *The City Clerk left Council chambers.*

motion M/M by Williams, 2nd by Notti to come out of Executive Session at 10:55 p.m.

vote Voice vote. Motion carried unanimously.

XIII. ADJOURNMENT

motion M/M by O'Brien, 2nd by Miller to adjourn the meeting at 10:55 p.m.

vote Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 8TH DAY OF APRIL, 1997.

Ruth M. Richardson, Mayor

ATTEST:

L.J. Tanner, City Clerk