
City of Bethel City Council Meeting Minutes

May 11, 2010

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on May 11, 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 Thor Williams

Absent: None

Also Present: City Manager Lee Foley
City Clerk Lori Strickler

MOVED:	Hoffman	Motion to suspend the rules, to move to the approval of the consent and regular agenda.
SECONDED:	Hippler	
VOTE ON MAIN MOTION	All in favor	

III. APPROVAL OF THE AGENDA

MOVED:	Robb	Motion to approve the consent and regular agenda.
SECONDED:	Williams	

MOVED:	Robb	Remove from the consent agenda the 4/27/2010 meeting minutes.
SECONDED:		
MOVED:	Williams	Motion to amend, to move item C, under Special Order of Business, to the next item of business, and move item B, to follow item C.
SECONDED:	Hippler	
MOVED:	Middlebrook	Motion to divide the question.
SECONDED:	Pike	
VOTE ON MAIN MOTION	All in favor	
		Motion to move item C to the next item of business.
VOTE ON MOTION	All in favor	
		Motion to move item B, to follow item C.
VOTE ON MOTION	All opposed	
MOVED:	Middlebrook	Motion to amend, to combine item L and item M and to place them under item A, under Unfinished Business.
SECONDED:	Williams	
MOVED:	Middlebrook	Motion to amend, to strike L and M and insert G and H under New Business.
SECONDED:	Williams	
VOTE ON MOTION	6-1 Motion passes, Robb opposed	
VOTE ON MOTION	6-1 Motion passes, Robb opposed	
VOTE ON MAIN MOTION	All in favor	

SPEICAL ORDER OF BUSINESS

Item C- Proclamation, Proclaiming May 1, Through June 14, 2010
As A Time To Show Appreciation For Our Military.

IV. PEOPLE TO BE HEARD

Willie Keppel
Suggested the City Council modify their city code to better define the laws
related to petition circulation.

Wendy Stevenson
Spoke in favor of the BATH facility.

Jamie Johnson
Spoke in favor of the BATH facility.

Skyler Sargent
Spoke in favor of the BATH facility.

Samera Burnes
Spoke in favor of the BATH facility.

Eric Arno
Spoke in favor of the BATH facility.

Susan Taylor
Spoke in favor of the BATH facility.

Jeanette Obrien
Spoke in favor of the BATH facility.

Robin Lamy
Spoke in favor of the BATH facility.

Council Member Hoffman read from letters received from Gary Baldwin,
Gene Peltola, and Myron Naneng in support of the BATH facility.

V. SPECIAL ORDER OF BUSINESS

Item A – Recognizing Randy Broeckel As The First Ever City Of Bethel
Employee Of The Quarter.

Item B- Doug Nicholson, Donlin Creek President And General Manager
Addressing The Council On Current Pursuits, Update Processes
and The City Of Bethel Port.

Item D- Review Of Canvass Board Certification Of The Election.

VI. APPROVAL OF THE MEETING MINUTES

Item A- 4-6-2010 Special City Council Meeting.
Passed on the consent agenda.

Item B- 4-20-2010 Special City Council Meeting.
Passed on the consent agenda.

Item C – 4-24-2010 Special City Council Meeting.
Passed on the consent agenda.

Item D- 4-26-2010 Special City Council Meeting.
Passed on the consent agenda.

Item E- 4-27-2010 Regular City Council Meeting.

MOVED:	Robb	Motion to adopt the meeting minutes from 4/27/2010.
SECONDED:	Williams	
MOVED:	Robb	Motion to amend, to change the subject discussion by Father Chuck Peterson.
SECONDED:	Pike	
VOTE ON MOTION	The clerk will review the audio prior to making the change.	
MOVED:	Middlebrook	Motion to amend, to strike "all in favor" and insert "meeting adjourned before the vote".
SECONDED:	Williams	
VOTE ON MOTION	All in favor	
MOVED:	Middlebrook	Motion to amend, the motion to extend the meeting past 10p to reflect "3-2 Motion fails, Williams and Pike opposed".
SECONDED:	Williams	
VOTE ON MOTION	All in favor	
MOVED:	Hoffman	Motion to amend, to reflect "two point six cents" as said in the meeting.
SECONDED:	Pike	
VOTE ON MOTION	All in favor	

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

MOVED:	Middlebrook	Motion to reconsider the vote on the adoption of Resolution 10-32 which was passed on the consent agenda.
SECONDED:	Pike	
VOTE ON MAIN MOTION	All in favor	

MOVED:	Middlebrook	Motion to adopt Resolution 10-32.
SECONDED:	Hoffman	
MOVED:	Middlebrook	Motion to amend, to strike the language under Section 1, and replace it with " <u>Shall the City of Bethel adopt local option AS 04.11.491 (a) (1) that prohibits the sale of alcoholic beverages?</u> "
SECONDED:	Robb	
VOTE ON MOTION	All in favor	
VOTE ON MAIN MOTION	All in favor	

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

I. UNFINISHED BUSINESS

Item G -Review Of BATH Business Plan / **Item H**- Inclusion Of Wind Generation In The BATH Business Plan.

MOVED:	Hoffman	Motion to suspend the rules to hear from the Grant Development Manager, John Sargent.
SECONDED:	Pike	

VOTE ON MAIN MOTION	All in favor	
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MOVED:	Middlebrook	Motion to remove the wind generation from the BATH facility business plan.
SECONDED:	Williams	

VOTE ON MAIN MOTION	4-3 Motion passes, Pike, Hoffman and Robb in opposed	
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MOVED:	Hoffman	Motion to approve the final business plan with the wind generation removed.
SECONDED:	Robb	

MOVED:	Robb	Motion to refer to the Parks and Recreation Committee.
SECONDED:	Williams	

VOTE ON MOTION	6-1 Motion fails, Robb in favor	
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VOTE ON MAIN MOTION	2-5 Motion fails, Middlebrook and Hippler in favor	
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MOVED:	Hoffman	Motion to direct management to work with the grant development manager on the figures in the business plan and bring it back to council.
SECONDED:		

VOTE ON MAIN MOTION	Does not carry due to lack of a second.	
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MOVED:	Robb	Motion to direct management to solicit bids for an audit of the business plan.
SECONDED:	Williams	

VOTE ON MAIN MOTION	4-3 Motion passes, Pike, Hippler and Middlebrook opposed	
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Item A – Resolution 10-21: Proceeding With The BATH 95% Completion.

MOVED:	Hoffman	Motion to adopt Resolution 10-21 was made at the March 9th, 2010 city council meeting.
SECONDED:	Pike	

MOVED:	Pike	Motion to table until the audit is received.
SECONDED:	Williams	

VOTE ON TABLING MOTION	5-2 Motion passes, Robb and Hoffman opposed
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Item B- Public Hearing Of Ordinance 10-11: Water Shut-Off For Non-payment Of City Sales Tax.

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

MOVED:	Pike	Motion to adopt Ordinance 10-11.
SECONDED:	Hippler	
MOVED:	Hippler	Motion to table indefinitely.
SECONDED:	Pike	
VOTE ON TABLING MOTION	6-1 Motion passes, Robb opposed	

Item C- Public Hearing Of Ordinance 10-13: Amending Ordinance 07-08 Designating An Annual Budgetary Allotment For All Expenses Related To The Bethel Aquatic Training And Health Center.

*Mayor Klejka opened the public hearing.
Willy Keppel Spoke in opposition to the Ordinance.
Mayor Klejka closed the public hearing.*

MOVED:	Hoffman	Motion to adopt Ordinance 10-13, was made at the April 27, 2010 city council meeting.
SECONDED:	Robb	

MOVED:	Middlebrook	Motion to suspend the rules to hear from Jody Malus.
SECONDED:	Pike	
VOTE ON MAIN MOTION	6-1 Motion passes, Hoffman opposed	
MOVED:	Middlebrook	Motion to amend, to have Section A read "The City of Bethel shall designate an allotment of \$500,000 annually for the purpose of construction, operation, and/or maintenance of a multiuse recreation facility to be built within the city limits of Bethel, Alaska". Section B would read "All funds from the designated interest-bearing account shall be used for the promotion, construction, operation, and maintenance of a City of Bethel Multiuse Recreation Facility.
SECONDED:		
MOVED:	Williams	Motion to take a five minute break.
SECONDED:	Pike	
VOTE ON MAIN MOTION	All in favor	
VOTE ON MOTION	Motion was withdrawn by the maker.	
MOVED:	Williams	Motion to send Ordinance 10-13 to the attorney and to fix it so that it is consistent to 07-09 and 07-10.
SECONDED:	Middlebrook	
VOTE ON MAIN MOTION	4-3 Motion fails, Middlebrook, Klejka and Williams in favor	
MOVED:	Hippler	Motion to amend, item A to insert The City of Bethel shall " <u>for the next 17 years</u> " transfer an amount...
SECONDED:	Pike	
VOTE ON MOTION	6-1 Motion passes, Williams opposed	
MOVED:	Hippler	Motion to extend the meeting to 11p.

SECONDED:	Pike	
VOTE ON MAIN MOTION	6-1 Motion passes, Williams opposed	
MOVED:	Robb	Motion to amend, to strike the last whereas.
SECONDED:	Hippler	
VOTE ON MOTION	6-1 Motion passes, Hoffman opposed	
MOVED:	Middlebrook	Motion to amend, to strike section B.
SECONDED:	Williams	
VOTE ON MOTION	5-2 Motion fails, Middlebrook and Williams in favor	
MOVED:	Hippler	Motion to call for the question.
SECONDED:	Hoffman	
VOTE ON MAIN MOTION	4-3 Motion fails, Robb, Pike and Klejka opposed	
VOTE ON MAIN MOTION	5-2 Motion passes, Middlebrook and Williams opposed	

Item D- Public Hearing Of Ordinance10-14: Increasing The Transient Lodging Business Tax And Eliminating Sales Tax For The Rental Of Rooms.

Mayor Klejka opened the public hearing.

Larry Barnes

Asked the council to provide a definition of nonprofit organizations and asked for clarification on if nonprofit organizations would apply under the change of the law.

MOVED:	Middlebrook	Motion to suspend the rules to hear from the Finance Director, Laurie Walters.
SECONDED:	Hippler	
VOTE ON MAIN MOTION	All in favor	

Mayor Klejka declared a conflict of interest due to his emplacement at YKHC and the hospitals hostel.

MOVED:	Williams	Motion to rule against Joseph Klejka's declared conflict of interest.
SECONDED:	Middlebrook	
VOTE ON MAIN MOTION		
All in favor		

Mayor Klejka closed the public hearing.

MOVED:	Middlebrook	Motion to adopt Ordinance 10-14.
SECONDED:	Williams	
VOTE ON MAIN MOTION		
5-2 Motion passes, Robb and Middlebrook opposed		

MOVED:	Hippler	Motion to refer to the Finance Committee, to examine the impact of Medicaid.
SECONDED:	Hoffman	
VOTE ON MAIN MOTION		
5-2 Motion passes, Robb and Middlebrook opposed		

Item E- Public Hearing Of Ordinance 10-15: Amending Section 15.08 Of The Bethel Municipal Code Governing Site Plan And Development, Flood Protection, The Comprehensive Plan Subdivisions, Land Use Regulations.

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

MOVED:	Hoffman	Motion to adopt Ordinance 10-15.
SECONDED:	Williams	

MOVED:	Robb	Motion to amend to insert under Sections: " <u>15.08.031 Use of Other Base Flood Data; 15.08.091 Specific Standards; 15.08.151 Recreational Vehicles;</u> " and under Chapter 15.12 " <u>Site Plan Permits 15.12.065 Appeal</u> " insert under 16.12.030 Definitions " <u>Recreational vehicle</u> " means a vehicle which is built on a single chassis: 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use".
SECONDED:	Middlebrook	
VOTE ON MOTION		
All in favor		
MOVED:	Middlebrook	Motion to suspend the rules to hear from the Planning Director, Dan Shea.
SECONDED:	Pike	
VOTE ON MAIN MOTION		
All in favor		
MOVED:	Middlebrook	Motion to amend, to strike under 15.08.091 Specific Standards, "imprisoned for not more than five (5) days or both".
SECONDED:	Hippler	
VOTE ON MOTION		
All in favor		
VOTE ON MAIN MOTION		
All in favor		

Item F- Public Hearing Of Ordinance 10-16: Amending The Official Map And Land Use Code.

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

Mayor Klejka closed the public hearing.

MOVED:	Hoffman	Motion to adopt Ordinance 10-16.
SECONDED:	Hippler	
VOTE ON MAIN MOTION		
6-1 motion passes, Klejka opposed		

MOVED:	Middlebrook	Motion to suspend the rules to go to the committee member appointments.
SECONDED:	Williams	
VOTE ON MAIN MOTION		
All in favor		

MOVED:	Hippler	Motion to extend the meeting to 11:20p
SECONDED:	Robb	
VOTE ON MAIN MOTION		
6-1 Motion passes, Williams opposed		

Item – AM 10-22: Appointment Of Steve Murat To The Public Works Committee.

Council approved the Mayor's appointment of Steve Murat to the Public Works Committee for a three year term.

Item B - AM 10-24: Appointment of Leif Albertson To The Energy Committee.

Council approved the Mayor's appointment of Leif Albertson to the Energy Committee for a two year term.

Item C - AM 10-25: Appointment Of Leah Walsh To The Energy Committee.

Council approved the Mayor's appointment of Leah Walsh to the Energy Committee for a two year term.

Item D -AM 10-26: Appointment Of Mary Weiss To The Energy Committee.

Council approved the Mayor's appointment of Mary Weiss to the Energy Committee for a one year term.

Item E- AM 10-27: Appointment Of Jody Malus To The Energy Committee.

Council approved the Mayor's appointment of Jody Malus to the Energy Committee for a one year term.

Item F - AM 10-28: Appointment Of Greg McIntyre To The Energy Committee.

Council approved the Mayor's appointment of Greg McIntyre to the Energy Committee for a three year term.

Item I - Public Hearing Of Ordinance 10-20: Establishing Metered Water And Sewer Rates.

MOVED:	Pike	Motion to introduce was made at the April 27, 2010 Regular Meeting.
SECONDED:	Williams	
MOVED:	Middlebrook	Motion to amend, Section 3 Residential metered service, to strike " hundredths " and insert " <u>tenths</u> ".
SECONDED:	Williams	
VOTE ON MOTION	All in favor	
MOVED:	Robb	Motion to amend to insert under 13.16.020 Water Service Section 3. " <u>up to nine thousand (9,000) gallons per monthly billing cycle, No additional charges for over nine thousand (9,000) gallons in a monthly billing cycle;</u> " And " <u>13.16.025 Protection from plumbing failure. In cases where a documented plumbing malfunction or breakage occurs in a metered residence, and there is an unusually high water usage, the customer can request a reversal of fees above and beyond an average rate reflecting three month's metered consumption. Such reversal shall be at the discretion of the city administration</u> ".
SECONDED:	Hippler	
MOVED:	Middlebrook	Motion to divide the question.
SECONDED:	Hoffman	

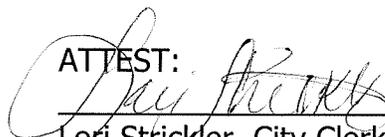
VOTE ON MAIN MOTION	6-1 Motion passes, Robb opposed	
	Motion to amend, by inserting under 13.16.020 Water Service Section 3. <u>"up to nine thousand (9,000) gallons per monthly billing cycle, No additional charges for over nine thousand (9,000) gallons in a monthly billing cycle;"</u>	
VOTE ON MOTION	5-2 Motion fails, Robb and Klejka in favor	
	Motion to amend, " <u>13.16.025 Protection from plumbing failure. In cases where a documented plumbing malfunction or breakage occurs in a metered residence, and there is an unusually high water usage, the customer can request a reversal of fees above and beyond an average rate reflecting three month's metered consumption. Such reversal shall be at the discretion of the city administration</u> ".	
MOVED: SECONDED:	Middlebrook	Amend the amendment to insert "up to 80% of the" so that the motion would read, " <u>13.16.025 Protection from plumbing failure. In cases where a documented plumbing malfunction or breakage occurs in a metered residence, and there is an unusually high water usage, the customer can request a reversal of "up to 80% of the" fees above and beyond an average rate reflecting three month's metered consumption. Such reversal shall be at the discretion of the city administration</u> ".
VOTE ON MOTION	Motion does not carry due to lack of a second.	

MOVED:	Hippler	Motion to call for the question.
SECONDED:	Middlebrook	
VOTE ON MAIN MOTION	All in favor	
VOTE ON MOTION	4-3 Motion passes, Williams, Middlebrook and Hoffman opposed	
VOTE ON MAIN MOTION	6-1 Motion passes, Robb opposed	
MOVED:	Williams	Motion to adjourn
SECONDED:	Pike	
VOTE ON MAIN MOTION	6-1 Motion passes Middlebrook opposed.	

II. ADJOURNMENT



 Joseph Klejka, Mayor

ATTEST:


 Lori Strickler, City Clerk