

PAGE 1
CITY COUNCIL MINUTES
JANUARY 14, 1992

- CALL TO ORDER Mayor Feaster called the regular Council meeting to order at 7:30 PM.
- ROLL CALL Present: Dale, Feaster, Richardson, Vanasse, Wallace, Warner, Wintersteen
- APPROVAL OF MINUTES M/M by Dale, 2nd by Wallace, to approve the minutes of 12/17/91 regular Council meeting as presented. Voice vote. Motion carried unanimously.
- APPROVAL OF AGENDA M/M by Wintersteen, 2nd by Vanasse, to amend the agenda by adding under Item E, Executive Session, City vs. Brown and personnel matters. Voice vote. Motion carried unanimously.
- MAYOR'S REPORT Before reviewing his written report, the Mayor reported that two seats on the Port Commission held by Bruce Nerby and Buster Richardson had lapsed. Both Mr. Nerby and Mr. Richardson had reapplied to hold these positions. Each seat is for a three year term beginning January 1, 1992 and ending December 31, 1994. In addition, he announced vacancies on the Public Works Committee and on the Public Safety Committee created by the resignations of Mark Earnest and Don Dinius, respectively.
- motion M/M by Vanasse, 2nd by Warner to approve the appointment of Bruce Nerby and Buster Richardson to the Port Commission. Voice vote. Motion carried unanimously.
- Mayor Feaster next reviewed his Mayor's Report:
- Pointed out that he was requesting some direction or action on the Village Motel issue similar to the procedure that had been set up when the problem with the Kuskokwim Inn had developed. City Manager Hohman reported that the City in cooperation with the Chamber of Commerce had invited the public and members of the business community to attend the Chamber meeting scheduled for Thursday, January 16, 1992, to participate in a public forum for the purpose of determining the extent of the problem and discussing ways to resolve it. In addition, Police Chief Liu reported that the Police Department was working with the Village Motel owners to correct the problem. Council agreed that the situation should be left in the hands of the Police Department until it was indicated that further action was required.
 - Requested Administration, working through the Finance Committee, introduce at the January 28, 1992, Council meeting an amendment to the Purchasing

Ordinance that would include a bidding procedure for the City's insurance package. In addition, a list of insurance requirements should be compiled and included in the Invitation for Bid.

-- Requested Administration inform Council of all contact made with the City Attorney regarding legal matters. City Manager Hohman indicated that the City Clerk would provide council members with any files on legal matters they requested.

-- Requested City Manager review sales tax ordinance and applicable sales tax exemption categories with Finance Committee for continuity and revoke exemptions that do not conform to the ordinance.

In response to question concerning the six-month budget review, Council scheduled a work session for Wednesday, January 29, 1992, at 7:30 PM in the Log Cabin.

MANAGER'S REPORT

City Manager Hohman reviewed his written Manager's Report with Council on the following items:

-- Because the low bidder for the ice road contract did not accept the contract, the City has offered the contract to the second lowest bidder and is waiting for a response. Although a contract has yet to be awarded, this has not created a problem as the ice on the river has not been thick enough to support heavy equipment required for clearing the ice roads.

-- Requested direction from Council on how to deal with the vacant museum building.

-- Referred to material Council received on the Poulos case.

-- Referred to attorney billings distributed in Council packets and pointed out that the City was approximately \$15,000 below last year's expenditures in this category.

-- Anticipated material for possible purchase of Bethel Utilities Corporation would be ready for distribution later this week.

City Manager Hohman next directed Council to various items addressed in handouts distributed before Council convened its meeting.

Police Chief Liu reported on the proposed security contract between YKHC and the City of Bethel Police Department. He explained that the two parties had reached a tentative agreement whereby the Police Department would provide YKHC with four additionally hired Community Service Officers who would be supervised and trained by one of the Department's

officers. A tentative agreement for contracting these services from the City was approximately \$160,000 per year. Before entering into further negotiations, the Police Department was seeking Council approval. Following discussion, Council directed Chief Liu to proceed with formal negotiations and requested proposed contract information as well as breakdown of costs and personnel requirements for Council evaluation at the January 28, 1992, Council meeting; if tentative arrangements could not be completed by the 28th, add to the February 11, 1992, agenda.

City Manager Hohman further reported that the Finance Director had completed the PATC billings and letters requesting payment on patient accounts were mailed on January 14, 1992; the amount billed totaled \$134,995.18.

Councilman Warner cautioned Administration against turning over any PATC accounts to a collection agency without first checking with the Division of Alcoholism and Drug Abuse about requirements relating to confidentiality of records.

In response to the City Manager's request for direction concerning the vacant museum building, Council referred the issue to the Planning Commission.

City Manager Hohman next directed Council to his letter of January 14, 1992, regarding termination of his contract with the City. A copy of that letter with accompanying materials are attached as part of these official minutes. Following discussion, it was decided to address the issue of termination of contract by the City Manager in Executive Session.

motion

M/M by Warner, 2nd by Vanasse, to include the discussion of the City Manager's letter under the January 14, 1992, agenda Item E, Executive Session, personnel matters. Poll vote. Motion carried. 4-yes; 3-no (Dale, Richardson, Wallace).

COUNCIL MEMBER
COMMENTS

Councilman Vanasse pointed out that review of the Personnel Rules and Regulations by Council involved quite a lengthy process and requested more involvement from those members of Council who had not fully participated in the process.

In response to Councilman Warner's question concerning the BNC land at the Petro Port, City

Manager Hohman reported that the land appraisal had yet to be completed.

REPORTS OF STANDING COMMITTEES Mayor Feaster announced the meeting of the Finance Committee scheduled for Thursday, January 16, 7:30 PM in Conference Room, City Offices.

Councilman Warner reported that the Public Works Committee attempted to meet on December 17, 1991, but was canceled because of lack of a quorum. The next meeting is scheduled for January 21, 1992, 7:30 PM at the City Shop.

Councilman Wintersteen reported that the Port Commission held a work session on January 13, 1992, to work on the draft of the Port Ordinances; the next regularly scheduled meeting is January 20, 1992.

PEOPLE TO BE HEARD John Abrant expressed his concern about the problem of intoxicated people on business premises, particularly at the Village Motel which is located directly across from Kilbuck Elementary School, and further indicated he was pleased that City Administration and the Police Department were taking steps to correct the problem. He presented Council with a list of possible suggestions for resolving the issue. Chris Nerby also spoke to the same issue and stated that she supported Mr. Abrant's position. In addition, she wondered if the City had some way of dealing with the problems that homeowners face in these type of situations. Mayor Feaster encouraged residents to participate in the meeting of the Chamber of Commerce scheduled for the 16th dealing with public intoxication within the City of Bethel.

Council broke at 8:35 PM for a short recess. At 8:45 PM, Mayor Feaster called the meeting back to order.

OLD BUSINESS:
Item A--Record.
Utility Benefits

REPORT ON RECORDING OF CITY EMPLOYEES' UTILITY BENEFITS

Larry Elam, Finance Director, reported that monies paid by city employees for utility benefits are credited to the revenue accounts.

Item B--Recom.
from Port Commis.

RECOMMENDATIONS FROM PORT COMMISSION CONCERNING REQUESTS FROM BETHEL FUEL SALES AND RAW FISH TAX

Port Director, Stuart Greydanus, reviewed the recommendations submitted to Council by the Port Commission concerning 1) Bethel Fuel Sales Lease

Agreement, 2) Bethel Fuel Sales Preferential vs. Exclusive Use, and 3) Raw Fish Tax (a copy of the recommendations are attached as part of the official minutes).

Following a brief discussion and an explanation from Warren Hulbert of Bethel Fuel Sales regarding reasons for requesting the lease agreement and exclusive use of the dock, Council requested the opportunity to review the current lease agreement between the City and Bethel Fuel Sales before taking action on these two requests. Mr. Greydanus stated he would provide council members with copies of the lease agreement that week. This item would be added to the agenda for the January 28, 1992 meeting.

motion

M/M by Richardson, 2nd by Warner that Council consider a 50/50 split of the raw fish tax between the general fund and the dock fund at the six-month budget review. Poll vote. Motion carried unanimously.

Item C: Lobbyist Selection

LOBBYIST DISCUSSION AND SELECTION

Mayor Feaster opened the discussion by asking Council's direction in expediting the review of the lobbyist proposals.

motion

M/M by Dale, 2nd by Wallace to hire Don Kubley as the lobbyist.

Following a brief discussion, it was decided that each council member should be given the opportunity to rank his/her top three candidates with a brief explanation as to how the decision was reached before taking action by motion. Councilmen Dale and Wallace withdrew their motion. The withdrawal was accepted. Lobbyist proposals were ranked as follows:

Dale:	Kubley
Wallace:	Kubley
Warner (in order of priority):	Pruhs Sullivan Group Urion
Vanasse (in random order):	Urion Sullivan Group Robertson Group

Wintersteen: first choice	Sullivan Group Cooksey Notti
Richardson:	Kubley
Feaster (in order of priority):	Cooksey Urion Pruhs

The selection was narrowed to three candidates each of whom received three votes: Kubley, Urion and the Sullivan Group. In response to Councilman Vanasse' request for the City Manager's perspective on the three candidates, City Manager Hohman stated that when considering the choice of a lobbyist it was important to select someone who has the best access into the executive branch as well as the legislative branch. City Manager Hohman provided the following analysis of the individual candidates:

"Rick Urion is a former legislator; he's been lobbying for more than 8 years and is a very capable person. He can get access into the senate through a good relationship with the senate president; he's low-keyed and very persistent and effective."

"We've had contact with Don Kubley over the summer. He worked in this community at the time of the construction of the regional high school some 20 years ago. He has very good connections in the administration; he got the Bethel delegation into the executive branch offices that the delegation desired. He also has good connections at the Washington, D.C. level; when in D.C. he stays with Senator Ted Stevens. He's aggressive--sometimes that's good and sometimes it's bad."

"Harvey Sullivan is the son of former Anchorage Mayor, George Sullivan--an active political family; Sullivan has good ties with the Republican machinery. All three of the candidates are Republicans, which is not a bad condition when looking at the U.S. Presidency and Senator Ted Stevens and our congressional delegation in D.C., as well as the executive branch of state government."

Council next discussed and evaluated the final three candidates taking into consideration individual compensation requirements, lobbying experience, and proximity to Juneau.

motion M/M by Warner, 2nd by Richardson that the City Council select Rick Urion as the lobbyist for the current legislative session. Poll vote. Motion carried. 5-yes; 2-no (Dale, Wallace).

Council agreed that funds to pay the lobbyist should not be obligated beyond the current fiscal year and tentatively identified the contingency fund as the source of funding, pending the six-month budget review. In addition, representation by the lobbyist should begin immediately. Council directed the City Manager to notify Mr. Urion of his selection and request that he keep Council informed of his progress and efforts on behalf of the City.

NEW BUSINESS: Item A--Portable Pool RESOLUTION #699--LAND USE OR IN-KIND SUPPORT BY THE CITY FOR THE PORTABLE POOL PROPOSAL.

Beverly Hoffman addressed Council on behalf of the YKHC Accident and Injury Prevention organization and the YK Delta Lifesavers, Inc., requesting land use or in-kind support from the City for a portable pool; the portable pool is to be set up on an interim basis before a permanent structure is realized. The purpose of obtaining a pool is to start a water safety and swimming instruction program in Bethel. Support from the City could come in the form of providing water for the pool, donating land to house the pool, or contributing chain link fencing to enclose the pool for purposes of security.

motion M/M by Dale, 2nd by Vanasse to adopt Resolution #699. Voice vote. Motion carried unanimously.

Item B: Intro. INTRODUCTION OF AMENDMENT #3 TO ORDINANCE #190--SALES
Amend. #3 to TAX
Ord. #190

motion M/M by Dale, 2nd by Warner that Amendment #3 to Ordinance #190 be introduced for public hearing to be held on January 28, 1992. Voice vote. Motion carried unanimously.

Item C: Intro. INTRODUCTION OF AMENDMENT #1 TO ORDINANCE #126--
Amend. #1 to BUSINESS LICENSE
Ord. #126

motion M/M by Warner, 2nd by Wallace that Amendment #1 to Ordinance #126 be introduced for public hearing to be held on January 28, 1992. Voice vote. Motion carried unanimously.

- motion M/M by Warner, 2nd by Vanasse, to continue meeting past 10:00 PM. Voice vote. Motion carried. 6-yes; 1-no (Richardson).
- Item D: Gaming Permit Applic. GAMING PERMIT APPLICATIONS--BETHEL CATHOLIC CHURCH; APRN (ALASKA PUBLIC RADIO NETWORK)
- motion M/M by Dale, 2nd by Richardson for approval of the games of chance and skill application submitted by the Bethel Catholic Church. Voice vote. Motion carried unanimously.
- motion M/M by Warner, 2nd by Dale for approval of the games of chance and skill application submitted by the Alaska Public Radio Network. Voice vote. Motion carried unanimously.
- motion M/M by Warner, 2nd by Dale to go into Executive Session to discuss the following items: Legal matters concerning the Annie David case and the City of Bethel, the City of Bethel vs. George Poulos dba as Riverfront Restaurant, and the City of Bethel vs. Nelson Brown; and two items under personnel matters. Voice vote. Motion carried unanimously.
- Mayor Feaster called the regular meeting back to order at 11:35 PM.
- motion M/M by Warner, 2nd by Richardson that the Council accept the provisional payment schedule worked out by Mr. Young, Mr. Poulos and the City of Bethel regarding the Riverfront Restaurant sales tax obligation. Voice vote. Motion carried unanimously.
- motion M/M by Warner, 2nd by Wallace that the City Council authorize the City Attorney and city management to proceed in the matter of Nelson Brown vs. the City of Bethel outlined in the January 14, 1992 letter from the City Attorney to the City Manager as follows:
1. Authorize the City Attorney to notify Mr. and Mrs. Brown that the Police Department will physically evict them from the property on March 1, 1992 unless the case has been settled before then and will, in the interim, strictly enforce the terms of the eviction order should the Browns attempt to remove substantial portions of the buildings (heating systems, fuel tanks, etc.).
 2. Authorize the City Manager and the City Attorney to negotiate with AIDEA and present AIDEA's best settlement offer to the Council February 11, 1992.

3. Authorize the City Attorney to withdraw the City's claim for 11 months of rent at the market rate from the Browns by directing our office to immediately seek the entry of final judgment.

Voice vote. Motion carried unanimously.

motion

M/M by Vanasse, 2nd by Warner that the City Manager and the Administrative/Personnel Officer be directed to start advertising for the position of City Manager which will become vacant February 29, 1992. Poll vote. Motion carried. 5-yes; 2-no (Richardson, Wallace).

motion

M/M by Warner, 2nd by Vanasse that should the hiring of a new City Manager not be completed by February 29, 1992, Council at that time enter into a short-term, day by day services contract with Mr. Hohman for continued services as the City Manager, if he so desires. Poll vote. Motion carried unanimously.

In response to the motion, City Manager Hohman stated that he would be happy to continue on at a per diem rate, and furthermore, promised to discharge the duties of City Manager to the best of his ability; however, he pointed out that he did not want to enter into a contract. Concerning calculating a per diem rate, it was his desire that the annual position costs associated with the position would be divided by the number of work days in the year.

motion

M/M by Wallace, 2nd by Vanasse, to adjourn the meeting at 11:45 PM. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 28th DAY OF January, 1992.

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

ATTEST:

Jane Elam
Jane Elam, City Clerk