

CITY OF BETHEL  
CITY COUNCIL

Regular Meeting of September 14, 1993

I. CALL TO ORDER

The meeting was convened at 7:30 p.m. by Mayor Feaster in the Log Cabin, Bethel, Alaska.

II. ROLL CALL

Present: Feaster, Metcalfe (late), Trantham, Vanasse,  
Warner, Wintersteen  
Absent : Jones (unexcused)

III. APPROVAL OF MINUTES

motion M/M by Vanasse, 2nd by Warner to approve the minutes of August 24, 1993, regular Council meeting as amended by correcting Page 2, Item C, replacing the word "improvement" with the words "engineering services." Voice vote. Motion carried unanimously.

IV. APPROVAL OF CONSENT AGENDA/REGULAR AGENDA

Mayor Feaster requested Items G, H, I, J, K and L be removed from the Consent Agenda.

motion M/M by Warner, 2nd by Trantham to approve by consent, Items A, B, C, E and F under New Business. Voice vote. Motion carried unanimously.

motion M/M by Warner, 2nd by Vanasse to amend the regular agenda by moving Items G, H, I and J before Item M, Selection of a Lobbyist, and voiding Items K and L (Resolutions #93-35 and 36). Voice vote. Motion carried unanimously.

V. MAYOR'S REPORT

Mayor Feaster provided information on the following items:

1. At the September 9, meeting of the Planning Commission, a public hearing was held regarding the conditional use in a residential neighborhood for the Children's Receiving Home at 226 Ptarmigan. The Planning Commission voted to deny the conditional use application as it was felt that the facility was not in keeping with the residential

character of the area. Title 18, Chapter 18.72.020 provides for an appeal to be filed by the property owner from any action on decision of the Planning Commission. Mayor Feaster advised Council that the Department of Health and Social Services (the state agency funding the construction of the receiving home) wants to appeal the decision of the Commission. Mayor Feaster further advised Council that the procedure set forth in the Bethel Municipal Code (Title 18, Chapter 18.72.020) states that an appeal of the Planning Commission's decision may be filed by the property owner affected by the decision, pointing out that the City of Bethel is the property owner. Discussion among council members followed regarding whether or not the City should file an appeal on behalf of the State of Alaska.

motion

M/M by Metcalfe, 2nd by Trantham that City Administration file an appeal on behalf of the State of Alaska, Department of Health and Social Services, in the matter of the denial of the conditional use permit by the Planning Commission for the Bethel Receiving Home when presented with a formal request for appeal. Poll vote. Motion carried. 4-yes (Metcalfe, Trantham, Warner, Wintersteen); 2-no (Feaster, Vanasse).

2. The 1993 Alaska Municipal League (AML) Conference has been scheduled for the week of November 7, 1993, and will be held in Kenai/Soldotna. Council members who are interested in attending the training sessions for Newly Elected Officials (Nov. 7 - 9) should notify the City Clerk who will assist in making travel arrangements.
3. The AML Board has a vacant seat to be filled by an elected official. Interested council members should see the City Clerk for further information.
4. By contract, the City Manager's six-month written evaluation is scheduled for the first Council meeting in October. Because a new Council will be seated at that meeting, Council was asked if it would prefer to hold the evaluation at the September 28 meeting. With concurrence of the City Manager and council members, it was agreed to place the evaluation on the September 28 agenda. Evaluation forms will be provided.

VI. MANAGER'S REPORT

City Manager Hunter reviewed his written report with Council and requested direction on several items:

1. J.B. Crow Land Claim

It was pointed out to the City Manager that Council directed that this matter was to be placed on the September 28, 1993, Council agenda. City Manager Hunter stated that he would bring the matter back on the 28th.

2. Request for Police Chief to Attend Training

City Manager Hunter advised Council that he supported the request from Chief Liu to attend the FBI National Academy scheduled for April 10, 1994 through June 24, 1994, in Quantico, Virginia. During Chief Liu's absence, Lt. Meece would serve as Acting Police Chief. Considerable discussion regarding the benefits to the City and to the Chief of Police followed.

motion M/M by Vanasse, 2nd by Trantham that the Chief of Police be provided with training at the FBI academy. Poll vote. Motion carried. 4-yes (Feaster, Trantham, Vanasse, Warner); 2-no (Metcalf, Wintersteen).

Council requested that Chief Liu provide in writing justification for the training, a statement on the benefits to the public that will be derived from the training, and more detailed information on expenses that will be incurred by the City.

3. Purchasing and Procurement Policy

City Manager Hunter presented the policy on purchasing and procurement which follows the current purchasing ordinance. Councilman Trantham advised Council that he had requested the City Manager investigate purchases of items used for construction of the sewer lagoon and rental/lease of equipment used at the lagoon. Lengthy discussion followed during which the subject of possible abuse regarding sewer lagoon purchases was brought up. Councilman Metcalfe stated that Council was not presented with facts regarding abuse. Councilman Trantham requested the City Manager provide Council with documentation.

At 8:30 p.m. in order to hear the People to be Heard portion of the meeting, discussion on the purchasing policy was suspended.

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*Continuation of Manager's Report Item #3--Purchasing and Procurement Policy:*

motion M/M by Vanasse, 2nd by Warner to approve the Purchasing and Procurement Policy as amended by correcting Page 2, paragraph 5, to read "City employees at no time shall solicit... ." Voice vote. Motion carried unanimously.

*Council broke at 9:05 PM for a short recess. At 9:15 PM, Mayor Feaster called the meeting back to order.*

4. Fixed Assets Inventory Policy
5. Harassment in the Work Place Policy

motion M/M by Warner, 2nd by Metcalfe to approve the Fixed Assets Inventory Policy and the Harassment in the Work Place Policy, said harassment policy corrected as follows: Page 2, second sentence in paragraph 2 to read "If, in the judgment of the department head there is sufficient evidence to lead to a determination that harassment has occurred, discipline will be imposed following the procedures outlined in the Personnel Rules and Regulations." Voice vote. Motion carried unanimously.

6. Montgomery Watson Engineering Services Contract Addendum

City Manager Hunter advised Council that he had been advised by Village Safe Water that the City should secure construction management services to make certain the Bethel Heights piped water and sewer system was constructed according to plans. He, therefore, submitted an addendum to the existing construction management services contract for engineering services to be performed by Montgomery Watson. The total amount due to Montgomery Watson under the amendment would not be in excess of \$20,000. It was noted by a council member that this request did not follow the purchasing and procurement policy which was just approved by the Council.

motion M/M by Vanasse, 2nd by Warner to approve the engineering services contract addendum between the City of Bethel and Montgomery Watson for construction management and consultation for the Bethel Heights Western Addition No. 1/Tundra North Water and Sewer Project. Poll vote. Motion carried. 4-yes (Metcalfe, Trantham, Vanasse, Wintersteen); 2-no (Feaster, Warner).

7. BUC Heat Use Contract

City Manager Hunter provided the response from Bethel Utilities Corporation to questions raised by Council at the August 24, 1993, Council meeting, and advised Council that a draft of the Heat Services Contract had been forwarded to the City Attorney for review and comments. Suggested revisions to the contract from the City Attorney were received by fax just prior to this Council meeting. In the fax, in addition to the legal issues, the City Attorney questioned "...whether the increase in the rate charged the City from 50% of the estimated cost savings to 40% of the estimated cost savings (a 20% increase in the rate charged the City) is justified." Accordingly, the City Attorney recommended the City pursue the contract at the old rate. Council directed the City Manager to revise the Heat Services Contract according to the City Attorney's recommendations and submit the revised contract to Bethel Utilities Corporation.

VII. REPORTS OF STANDING COMMITTEES

Scheduled dates for upcoming committee/commission meetings were announced.

Councilman Warner expressed concern about the mooring of a processor vessel, the Lucky Buck, in Brown Slough over the winter. He stated that it might be difficult for other vessels to get around the barge during low water levels, thus impeding the waterway. Councilman Warner asked Councilman Wintersteen if he would raise this issue for discussion at the next Port Commission meeting.

Councilman Warner reported on the Planning Commission meeting of September 9, 1993. In addition to the hearing on the conditional use application for the Bethel Receiving Home, the following business was conducted: 1) the preliminary abbreviated plat for the Nellie McElwee/H Marker Lake subdivision was approved; and 2) a preliminary abbreviated plat to subdivide a tract in the Blueberry Fields Subdivision was approved. Also discussed was a recommendation from Bill Stokes, DEC, that the City use either a public nuisance or abandonment ordinance as a means of dealing with junked cars.

Councilman Trantham reported that the Transportation Commission held a work session on September 8, 1993, to discuss the concept of contracting mechanical inspections of taxi cabs to local businesses and remove the responsibility of these vehicle inspections from the Police Department. Local garages were invited to attend. Mr. Trantham stated that only one business attended the meeting. The Transportation Commission will discuss the issue further at the September 15 meeting of the Commission. Should the proposal be

approved, the Commission will recommend the City submit Request for Proposals to solicit bids for the contract.

Councilman Trantham also reported that the new flooring in the Youth Services Center had been installed.

VIII. PEOPLE TO BE HEARD

*At 8:30 p.m., the Manager's Report was suspended to take up the People to be Heard portion of the meeting. The Manager's Report was completed following People to be Heard.*

Tad Miller, speaking as a journalist in retirement, spoke on the importance of communication. In addition, Mr. Miller advised Council that Ptarmigan Road was virtually impassable and asked if the City was going to repair the road. Council directed the City Manager to notify the Public Works Department of the problem and make every effort to correct it as soon as possible.

John Hastie advised Council that Police Chief Chris Liu had previously attended the Southern Police Academy, a training program similar to the FBI Training Academy. Chief Liu was requesting approval to attend in April 1994. Mr. Hastie made the suggestion to send Lt. Gerald Meece to the FBI Training program in place of Chief Liu. Council recommended that the City Manager direct Chief Liu to enroll in those courses that would be of specific benefit to the City.

Susan Taylor and Ted Simmons, residents who will be affected by the hook of piped water and sewer in Bethel Heights subdivision, expressed concern that the elevation of their houses might be a problem when hooking up to the new water/sewer system. Council advised them to meet with the City Manager to negotiate easements which would allow the water/sewer system to cross their property.

Finance Director Larry Elam advised Council that he needs the authority from Council to transfer funds from the Yugtarvik Regional Museum accounts to the general fund. Council requested a resolution be presented at the September 28 meeting authorizing transfer of these funds.

IX. OLD BUSINESS:

ITEM A: Public Hearing--Ordinance #93-23: An Ordinance Establishing a 5% Use Tax on Alcoholic Beverages Brought or Sent into the City

Mayor Feaster provided a brief overview of the background on the development of the proposed alcohol use tax, and advised Council that if the ordinance passed, it would go before the voters at the

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October 5, 1993, municipal election for ratification. Mayor Feaster opened the public hearing. There were no comments from the public. Mayor Feaster close the public hearing. Discussion followed focussing on the ability of the City to enforce the ordinance and to require vendors in other cities in Alaska to collect the tax.

motion M/M by Metcalfe, 2nd by Wintersteen to approve passage of Ordinance #93-23 establishing a 5% use tax on alcoholic beverages brought or sent into the City. Poll vote. Motion carried. 5-yes (Metcalfe, Trantham, Vanasse, Warner, Wintersteen); 1-no (Feaster).

motion M/M by Warner, 2nd by Metcalfe to place the following question on the ballot for the October 5, 1993, municipal election: "Should Ordinance #93-23 imposing a use tax of 5% on all alcoholic beverages brought or sent into the City of Bethel become law? (A yes vote means you are in favor of taxing alcoholic beverages brought or sent into the City of Bethel)." Voice vote. Motion carried unanimously.

ITEM B: Public Hearing--Ordinance #93-25: An Ordinance Establishing the City Clerk as an Exempt Position, the office of the City Clerk, and specifying the duties of the City Clerk

Mayor Feaster provided a brief introduction of the background of the ordinance and opened the public hearing. There being no comments from the public, Mayor Feaster closed the hearing.

motion M/M by Warner, 2nd by Trantham to approve Ordinance #93-25 establishing the City Clerk as an exempt position, the office of the City Clerk, and specifying the duties of the City Clerk. Poll vote. Motion carried unanimously.

motion M/M by Warner, 2nd by Wintersteen to go past 10:00 p.m. Voice vote. Motion carried unanimously.

ITEM C: Public Hearing--Ordinance #93-26: An Ordinance Amending Title 9, Chapter 9.08 Entitled Fireworks and Explosives

Mayor Feaster advised Council that this ordinance was initiated by the Public Safety Committee as a means of removing the entire burden of making the decision on use/sale of fireworks by the Chief of Police. Mayor Feaster opened the public hearing. There being no comments from the public, the Mayor closed the hearing. A brief discussion followed.

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motion M/M by Wintersteen, 2nd by Trantham to approve Ordinance #93-26 amending Title 9, Chapter 9.08.050 as amended by removing the word "permission" and replacing it with the words "a majority decision." Poll vote. Motion carried unanimously.

ITEM D: Public Hearing--Ordinance #93-27: An Ordinance Amending Title 4, Chapter 4.18, Providing for a Bethel Endowment Fund

Mayor Feaster explained that the purpose of Ordinance #93-27 was an attempt to protect the \$1.23 million received by the City from Transamerica, Inc., so that these funds could be invested wisely instead of spending the money in haste. Mayor Feaster opened the public hearing. There being no comments from the public, the Mayor closed the hearing. Discussion followed.

motion M/M by Wintersteen to follow one suggestion made by the City Attorney "...to amend this year's budget, appropriate the funds and buy an annuity contract... ." The motion died for lack of a second.

motion M/M by Warner, 2nd by Vanasse to approve Ordinance #93-27 providing for a Bethel Endowment Fund with the following changes: 1) delete paragraph (d) and numbers 1-17 and paragraph (d) under proposed Section 4.18.030 Investments; and 2) amend proposed Section 4.18.050 Procedure for Repeal, paragraph (c) to read "An ordinance that invades the principal of the Bethel Endowment Fund shall not take effect unless approved by a majority of the vote at a general or special election called for that purpose." Poll vote. Motion carried unanimously.

ITEM E: Lease Agreement -- City of Bethel and Department of Health and Social Services for Lease of Property for Bethel Receiving Home

Mayor Feaster advised Council that because he had been notified that the Department of Health and Social Services would request the City to appeal the decision of the Planning Commission's denial of the conditional use permit for the receiving home, the lease agreement before the Council could not be acted upon at this time.

motion M/M by Metcalfe, 2nd by Wintersteen to table discussion on a lease agreement between the City of Bethel and Department of Health and Social Services for lease of property for the Bethel Receiving Home until completion of the appeal process. Voice vote. Motion carried unanimously.

X. NEW BUSINESS

ITEM A: Introduction of Ordinance #93-24: An Ordinance Amending Title 2, by Adding Chapter 2.40, Entitled Access to Public Records--Approved by consent for public hearing September 28, 1993

ITEM B: Introduction of Ordinance #93-29: An Ordinance Amending Title 2, by Adding Chapter 2.44, Records Management--Approved by consent for public hearing September 28, 1993.

ITEM C: Introduction of Ordinance #93-30: An Ordinance Amending Title 2, Chapter 2.04.045, Consent Agenda--Approved by consent for public hearing September 28, 1993.

ITEM D: Introduction of Ordinance #93-18-B: An Ordinance Amending the FY94 Budget by Appropriating Monies into the City of Bethel Endowment Fund

motion M/M by Warner, 2nd by Metcalfe, to introduce Ordinance #93-18-B for public hearing September 28, 1993. Voice vote. Motion carried unanimously.

Council requested a resolution transferring museum accounts to the general fund be placed on the agenda for the September 28 Council meeting.

ITEM E: Resolution #93-29: A Resolution Accepting Population Figures for July 1, 1993--Approved by consent as presented.

ITEM F: Resolution #93-30: A Resolution Accepting VSW Grant #16714 in the amount of \$800,000 for Bethel Heights Sewer and Water--Approved by consent as presented.

ITEM G: Resolution #93-31: A Resolution Requesting Funding from the State of Alaska Department of Environmental Conservation Village Safe Water Program and Supporting Their Efforts to Obtain Funding for Water and Sewer Projects in the City of Bethel

A lengthy discussion was held on the capital improvement project list submitted in Resolution #93-31. In response to a question regarding the changes to the CIP list the Council had recommended at the work session, City Manager Hunter stated that he had been informed by Village Safe Water that it would not support \$5,000,000 for design and construction of piped water and sewer in City Subdivision. However, most council members expressed their desire

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for submission of water/sewer projects only for consideration, stating that a strong, persistent message needs to be sent to the State about the importance of a piped water and sewer system for all residents of Bethel.

motion M/M by Metcalfe to amend the amended Resolution #93-31 by moving items #5 (Kilbuck and Main Wastewater Lift Stations 1994 Construction and Design Completion--\$50,000) and #9 (Bethel Heights Western Addition No. 1/Tundra North Water and Sewer Project--\$25,000) to priority positions of #3 and #4, respectively. Motion died for lack of a second.

motion M/M by Warner, 2nd by Trantham to amend the amended Resolution #93-31 as follows: delete items #3 (Blueberry Fields and Nunvak Subdivision), #4 (Tundra Ridge Well and WTP 1994-95 design and construction), #6 (Reactivate Nicholson Well and WTP 1994-95 design and construction), and #8 (Reich Subdivision preliminary design) and order the remaining items in the following priority:

#1 - Sewer Lagoon Construction	\$ 500,000
#2 - City Subdivision	5,000,000
#3 - Kilbuck and Main Lift Stations	50,000
#4 - Bethel Heights Water/Sewer	25,000
#5 - Original Townsite Prelim. Design	150,000

Poll vote. Motion carried unanimously.

ITEM H: Resolution #93-32: A Resolution Supporting the State of Alaska Department of Transportation and Public Facilities in Their Efforts to Obtain Funding for Road Projects in the City of Bethel

Lengthy discussion followed regarding the amount of funding the City should request for road projects considering Council's position on the importance of water and sewer projects for now and in the future. Councilman Metcalfe spoke against the proposal to reduce the request for road expenditures.

motion M/M by Warner, 2nd by Wintersteen to approve Resolution #93-32 as amended by reducing item #1 (Ptarmigan Street and Tundra Ridge road reconstruction) from \$7,000,000 to \$4,000,000 and deleting item #2 in the amount of \$2,000,000 to upgrade and improve several roads in town. Poll vote. Motion carried. 5-yes (Feaster, Trantham, Vanasse, Warner, Wintersteen); 1-no (Metcalfe).

ITEM I: Resolution #93-33: A Resolution Adopting Capital Projects/Legislative Requests for Fiscal Year 1995 and Requesting Appropriate Funding from the State of Alaska Department of Community and Regional Affairs for Parks and Recreation Projects

It was pointed out that at the capital improvements work session Council had not authorized a capital projects request for funding parks and recreation. Councilman Metcalfe spoke in favor of requesting funding for these projects and stated that the City should make its needs known through the CIP request.

motion M/M by Wintersteen, 2nd by Vanasse to table Resolution #93-33. Voice vote. Motion carried unanimously.

Councilman Wintersteen requested the City research four cities in Alaska to: 1) determine the general philosophy regarding submission of CIP requests; 2) determine if CIP requests are all inclusive or limited; and 4) results obtained from last year's requests.

ITEM J: Resolution #93-34: A Resolution Adopting Capital Projects/Legislative Requests for Fiscal Year 1995 and Requesting Appropriate Funding from the State of Alaska Department of Transportation and Public Facilities for Buildings and Facilities Projects

motion M/M by Vanasse, 2nd by Warner to table Resolution #93-34. Voice vote. Motion carried unanimously.

ITEM K: Resolution #93-35: A Resolution Adopting Capital Projects/Legislative Requests for Fiscal Year 1995 and Requesting Appropriate Funding from the State of Alaska Department of Community and Regional Affairs for Planning and Development Projects--Resolution voided.

ITEM L: Resolution #93-36: A Resolution Authorizing an Application for a Community Development Block Grant from the Department of Community and Regional Affairs--Resolution voided as requested by City Manager Hunter.

ITEM M: Selection of a Lobbyist

In response to a request from Mayor Feaster, each council member ranked their top three lobbyist candidates. Each council member next provided an explanation on how they ranked the applicants, and discussion followed.

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motion M/M by Wintersteen, 2nd by Metcalfe to hire Sharon Macklin as the lobbyist for the 1994 legislative session. Poll vote. Motion carried. 5-yes (Feaster, Metcalfe, Vanasse, Warner, Wintersteen); 1-no (Trantham).

ITEM N: Executive Session:

motion M/M by Metcalfe, 2nd by Wintersteen to go into Executive Session for the purpose of receiving an update on the Annie David Native Allotment case and to discuss legal strategy in the matter of the City of Bethel and APEA. Voice vote. Motion carried unanimously.

motion M/M by Warner, 2nd by Wintersteen to come out of Executive Session. Voice vote. Motion carried unanimously.

motion M/M by Warner, 2nd by Trantham to appoint William Mede of the law firm of Owens & Turner as the City's bargaining agent for the City's union negotiations. Voice vote. Motion carried unanimously.

XI. COUNCIL MEMBER COMMENTS

Councilman Metcalfe commented on the poor condition of Ptarmigan Road by stating that the City could make money selling tee-shirts that said "I Survived Ptarmigan Road."

In response to a question from Councilman Warner regarding the status of the Tomaganuk property matter, City Manager Hunter stated that a notice to vacate had been posted on Mrs. Tomaganuk's door, but she had not responded to that notice. Mr. Hunter indicated that the City may have to go to court and seek an eviction.

In response to a question from Councilman Vanasse regarding attendance at Council meetings by department heads, City Manager Hunter advised Council that he does not require them to attend Council meetings. Any questions Council has of department heads should be brought to the City Manager. Councilman Vanasse then commented on the condition of Ptarmigan Road and that he had not noticed any effort by the Streets and Road Department to grade the road. City Manager Hunter indicated he would look into the situation. Discussion also was held about the poor scheduling of vacation time for employees, particularly during the hunting season when the majority of employees at Public Works take annual leave. When this occurs, City services are not provided. City Manager Hunter stated that he would discuss this situation with all department heads.

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Councilman Trantham reported that representatives from the Farmers Home Administration, responding to the \$15 million appropriation for water/sewer projects in rural Alaska, visited the City of Bethel on August 24. Mr. Trantham and the Public Works Director gave them a tour of the sewer lagoon and provided additional information on water/sewer requirements for the City.

Mayor Feaster reminded council members that the work session on the amendment to the Personnel Rules and Regulations scheduled for September 23, 1993, had been canceled.

XII. ADJOURNMENT

motion M/M by Trantham, 2nd by Metcalfe to adjourn the meeting at 12:50 p.m. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 28<sup>th</sup> DAY OF September, 1993.

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

ATTEST:

Jane Elam  
Jane Elam, City Clerk