

**CITY COUNCIL**

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



**CITY MANAGER**

*Ken Weaver*

**CITY CLERK**

*L.J. Warren*

**City of Bethel**  
**Regular Council Meeting Minutes**  
**August 12, 1997**

**I. CALL TO ORDER**

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

**II. ROLL CALL**

Present: Miller, Notti, O'Brien, Phillips, Richardson, Rodgers, Williams

Absent:

Also present: Acting City Manager Stuart Greydanus, City Clerk L.J. Warren, 14 in the audience.

**III. PEOPLE TO BE HEARD**

Mike Burley, Ross Boring, Michael Brown, and Tim Oosterman all spoke to the Council about the urgent need for a safe shooting range. The Acting City Manager was directed to meet with BNC and representatives from the shooting club to discuss possible arrangements.

**IV. APPROVAL OF MINUTES OF JULY 22, 1997 REGULAR MEETING.**

Council member Richardson noted that the word "find" on page 5, in Council member Rodger's comments, should be "fine." Mayor Phillips made note of a few typographical errors.

**motion** M/M by Richardson, 2nd by Williams to approve the minutes of the July 22, 1997 regular meeting, as amended.

**vote** Voice vote. Motion carried unanimously.

**V. APPROVAL OF AGENDA**

Mayor Phillips added New Business Item K, Discussion-Public Smoking, Item L, Discussion-Shooting Range, and Item M-Rescheduling of City Manager Performance Evaluation. Mayor Phillips tabled Executive Session Item B-Buford McComas Espresso Booth Complaint, until the August 26 regular Council meeting; removed Executive Session Item C-City Manager Performance Review, and removed Old Business Item D-Discussion of Sales Tax Recodification.

**motion** M/M by Richardson, 2nd by Miller to approve the agenda as amended.

**vote** Voice vote. Motion carried unanimously.

**VI. MAYOR'S REPORT**

Mayor Phillips asked Council member Richardson to report on the Fisheries disaster response meeting. Ms. Richardson reported on the meeting, and noted that Port Director Stuart Greydanus had also

attended. Mayor Phillips advised Council that comments from the meeting are in the packet. The next meeting is scheduled for 1:00 p.m. on August 14, at the BNC Conference Room.

**motion** M/M by Miller, 2nd by O'Brien to place the recently certified local option question on the ballot at the October 7, 1997 election.

**vote** Voice vote. Motion carried unanimously.

Mayor Phillips noted letters in the packet regarding Safe Communities funding, Revenue Sharing, and the AML Education Funding Formula Survey.

Mayor Phillips wished a speedy recovery to City Manager Ken Weaver.

## VII. MANAGER'S REPORT

Acting City Manager Greydanus referred Council to the written reports, and discussed the following:

- Diesel Fuel Dispensing Facility Bids: Bids were received for a diesel fuel dispensing facility for the public works shop. A memo from the Purchasing Agent recommended award to Concor, the lowest responsible bidder, at \$137,400.

**motion** M/M by Miller, 2nd by Richardson to award the contract for purchase of a diesel fuel dispensing facility to Concor, the lowest responsible bidder, at \$137,400.

**vote** Voice vote. Motion carried unanimously.

- Youth Center Pilings Repair Bids: Bids were received for repairs to the pilings and foundation of the Youth Center. A memo from the Purchasing Agent recommended award to Faulkner-Walsh Constructors, the lowest responsible bidder, for \$89,500, upon adoption of a budget amendment ordinance increasing the amount appropriated for the project by \$34,000. It was noted that Ordinance #97-19, scheduled for New Business Item B, is a budget amendment ordinance, and the amount required could be added to the ordinance by amendment.

**motion** M/M by Miller, 2nd by Williams to award the contract for repairs to the pilings and foundation of the Youth Center to Faulkner-Walsh Constructors, for \$89,500, upon approval of a budget amendment ordinance increasing the appropriation for the project by \$34,000.

**vote** Voice vote. Motion carried unanimously..

- Ambulance Billing Contract: Bids were received for the City's third party ambulance billing contract. A memo from the Purchasing Agent noted that the evaluation panel had scored CLAIMPAY at 170 points, and the second respondent, Lynn D. Mitchell, at 135 points, and that the panel recommends award to CLAIMPAY, the service that the City has used for the previous year, for \$2,155 per month.

After some discussion, and input from Purchasing Agent Laurie Adams, the Council requested City Administration to provide more information on the ambulance billing service. Specifically, the Council wanted to know how much collections have improved since the City began utilizing third party billing services, and how the total amount collected compares with the fees paid for the service. The Council suggested that perhaps a part-time, local individual could be hired to provide the services.

- Soil Freezeback Thermal Syphons for Water Storage Tank Bids: Bids were received for the City's purchase of soil freezeback thermal syphons for the Bethel Heights water storage tank. A memo from the Purchasing Agent noted that CRW Engineering, who is working with VSW on the Bethel Heights Water and Sewer System Upgrade project, had recommended a sole source procurement from Arctic Foundations.

**motion** M/M by Miller, 2nd by Williams to award the contract for purchase of soil freezeback thermal syphons for the Bethel Heights water storage tank, to Arctic Foundations, in the amount of \$24,921 for eight thermal syphons.

**vote** Voice vote. Motion carried unanimously..

- Heating Fuel Spill at Laundromat: Acting City Manager Greydanus described the cleanup operations at the laundromat. Approximately 1500 gallons of fuel were spilled, and 1100 have been recovered. Oly Olson is assisting the City with development of bid specifications for the remaining remediation work and the installation of a double-walled tank. The City Attorney is currently investigating who is liable for the cleanup costs. Council member Rodgers asked if the City's insurance would cover the cleanup costs if the City is found liable. Mr. Greydanus stated that Acting Finance Director Stuart Robinson has advised him that the City is not covered by insurance for the spill.
- Courthouse Lease: Mr. Greydanus brought the Council up to date on the lease situation. The Council had authorized a higher lease rate, of \$14,345 month, in February 1997. Subsequently, Alaska Court System officials notified the City that our increase had come too late to be included in their annual budget request, therefore, they could not pay the higher lease. The former Finance Director and City Attorney have recommended that the City extend the old lease rate through November of 1998. This will give the Department adequate time to include the increased rent in their FY99 budget request. The Council questioned why it has taken so long for City Administration to relay this information to the Council, and why the City Attorney is involved. Council requested further information from City Administration for the next Council meeting.
- Small Boat Harbor issues: Mr. Greydanus noted that the hot dog stand has been removed from the harbor parking area. No Swimming signs have been posted at the entrance channel.
- Mission Drive Sewer Line Repairs: CRW Engineering is currently writing bid specifications for the repairs. When complete, they will obtain quotations and recommend an award. Construction should be completed before winter.
- Unicom request for paving of a portion of Blueberry Road: Noting fiscal constraints, Council did not approve Unicom's request for the City to pave the first 150' of Blueberry Road.
- Playground equipment for Ayalpik playground: Mr. Greydanus explained that the City has received a letter from AHFC, citing liability concerns as the reason they must withdraw their offer to donate playground equipment. Parks & Rec. Director Janet Athanas has provided a list of recommended equipment, along with a cost estimate. A budget amendment for the additional funds needed is included in Ordinance #97-19, scheduled for New Business Item B. Council member Miller questioned AHFC's obligation to provide a playground for their clients, and Council member Williams questioned how AHFC could possibly be found liable if all they did was provide funds to purchase the equipment. The City Clerk was directed to pose these questions to

the City Attorney. City Administration was directed to check with local contractors for possible donation of labor to install the equipment after it is purchased.

- Payment in Lieu of Taxes Program: The City Clerk explained that two things are happening with the PILT program. The DCRA is proposing new regulations to have in place for disbursement of PILT funds as soon as the legislature adopts legislation providing for the disbursement. The Legislative Budget and Audit Committee will meet on August 21 to discuss the program. Council member O'Brien noted that the PILT funds are important to every village in the unorganized borough, not just the City of Bethel.
- Complaint about boardwalk behind Moravian Church: After reviewing the complaint form and letter from Mr. Carl Berger, the Council directed City Administration to repair the boardwalk behind the Moravian Church.
- Purchase of dump/plow truck from DOT: Mr. Greydanus explained that the DOT has offered to sell the City a dump/plow truck, which is in excellent condition, for a very good price. Referring to a memo in the packet justifying the purchase, Mr. Greydanus noted that a budget amendment for the purchase is included in New Business Item B, Ordinance #97-19.
- Dumpsters at Trailer Court: Mr. Greydanus stated that he had spoken briefly to City Manager Ken Weaver about the ongoing problem. Apparently, a final agreement with Trailer Court management has not been reached. Council discussion followed, regarding who is responsible to pay for additional garbage pickups. Mr. Greydanus said that he would follow up with Mr. Weaver.
- Private Sewage hauling: The City Clerk explained that although BMC 13.09 does provide for private hauling, a permit system was never developed due to the fact that only one member of the community expressed interest, and a Memorandum of Agreement had been executed with that individual. Currently, a staff-level committee is working with the City Attorney to strengthen the provisions of BMC 13.09, and develop a permit system. Council member Richardson requested that a system of individual MOA's be implemented instead of a permit system. City Administration was directed to complete work on the ordinance and develop an MOA system for Council review at the next meeting.

Questions from Council members:

1. Council member Williams asked about the status of the Finance Director and Public Works Director positions. Mr. Greydanus explained that due to the low number of applications received, both job openings had been extended.
2. Council member Rodgers asked about the City's drug testing policy. Mr. Greydanus, and Acting Public Works Director Clair Grifka, explained that it is federally mandated, and that employees are selected at random by a computer system for testing.

**VIII. REPORTS OF STANDING COMMITTEES and COMMISSIONS**

The City Clerk read the Committee recommendations for the record, and announced Committee and Commission vacancies.

*Finance Committee*: Mayor Phillips reported that the Finance Committee would discuss the sales tax recodification at their next meeting, but that the Committee would like to delay introducing any proposed changes until the new Finance Director is in place.

**Planning Commission:** Council member Notti reported that the Commission had not met since the last Council meeting.

**Port Commission:** Council member Rodgers reported on the Commission meeting of July 28. The Commission discussed the revocation of moorage grace periods, an administrative decision made by the Port Director. The item will be discussed more thoroughly under New Business Item F.

**Public Works Committee:** Council member O'Brien stated that the Committee would meet on Tuesday, August 19.

**Public Safety Commission:** Council member Richardson stated that she was unable to attend the last Commission meeting. However, meeting minutes are in the Council packet. Ms. Richardson thanked Commissioner Shari Neth for all of her research on a alcoholic beverage delivery site. Council member Miller directed the City Clerk to place the discussion item "Police Department vehicle take-home policy" on the next Council agenda.

**Transportation Commission:** The regular August meeting of the Commission was canceled, due to no quorum. The next meeting is scheduled for September 4th. The Commission has recommended increased motor vehicle registration taxes.

**Youth Services Committee:** Council member Miller noted that he was unable to attend the last meeting of the Committee. Council member Richardson disagreed with the Committee's recommendation to reserve Wednesday and Friday nights at the Youth Center for "adults-only." Especially on Friday nights, kids need a place to go. Council agreed with the recommendation to install the curfew siren at the Youth Center.

## IX. OLD BUSINESS

### Item A: Public Hearing on Ordinance #97-17, Providing for removal of Commissioners

Mayor Phillips opened the Public Hearing. Public Safety Commission Chairman Tom Hildreth stated that he agreed with the ordinance, but would like it amended to provide for a hearing before the removal of a Commissioner or Committee member. Mr. Hildreth noted that he has spoken to other Commission and Committee members, and many of them felt the same. Seeing and hearing no one else to be heard, Mayor Phillips closed the Public Hearing.

**motion** M/M by Miller, 2nd by Richardson to amend Ordinance #97-17, by adding the words "after a hearing involving the party to be removed" after the words "A member of the commission may be removed at any time by a majority vote of the City Council."

**vote** Voice vote. Motion carried, unanimously.

**motion** M/M by Notti, to amend Ordinance #97-17, by changing the words "by a majority vote of the City Council" to "by a super-majority vote of the City Council."

**no second** Motion failed for lack of a second.

**motion** M/M by Richardson, 2nd by O'Brien to adopt Ordinance #97-17, as amended.

**vote** Roll call vote. Motion carried, 6-Yes, 1-No (Notti).

**Item B: Public Hearing on Ordinance #97-18, Amending the FY98 Budget (Weaver)**

Mayor Phillips opened the Public Hearing. Seeing and hearing no one to be heard, Mayor Phillips closed the Public Hearing.

**motion** M/M by O'Brien, 2nd by Williams, to adopt Ordinance #97-18.

**vote** Roll call vote. Motion carried, 5-Yes, 1-No, (Richardson), 1-Abstain (Rodgers)

**Item C: Discussion - Road Permits - Kasayuli Subdivision**

**motion** M/M by Williams, 2nd by Miller, to approve the temporary access permits for Kasayuli Subdivision.

Council member Miller asked if the permits accomplished what YKHC needs to complete their work on the subdivision. Mr. John Guinn, acting on behalf of YKHC, addressed the Council. YKHC's attorney, Steve Hutchins, had apparently not received the copy of the permits in the Council member's packets. However, Mr. Hutchins did review the permits in the packet, and had several changes to propose to the Council. Mr. Hutchins, who was present at the meeting, addressed the Council and explained the changes he would like to see.

Discussion followed. Council member Williams suggested that the City should obtain legal counsel before agreeing to any changes. Council member Miller disagreed, and stated that he believed the Council could make the decision to accept or deny the proposed changes.

**motion** M/M by Miller, 2nd by Notti, to amend the temporary access permits for Kasayuli Subdivision per Mr. Hutchins' suggestions.

**vote** Roll Call vote. Motion carried, 6-Yes, 1-No (Williams)

**vote** Voice vote on main motion. Motion carried, 6-Yes, 1-No (Williams)

**X. NEW BUSINESS****Item A. Ordinance Discussion Draft, Hotel Business Fee**

Grant Fairbanks, owner of the Browns Slough Bed & Breakfast, asked permission to address the Council. Mayor Phillips agreed. Mr. Fairbanks stated that he had spoken to the owners of Bentley's B&B and the Pacifica hotel. No one had received a courtesy call that this ordinance was being developed. He is opposed to the idea of a business tax assessed on hotel and lodging business owners.

Council member Miller agreed with Mr. Fairbanks. The question should be placed on the ballot. He agrees that the City needs the revenue, and will vote for the tax if it is placed on the ballot. Council member O'Brien agreed with some of Mr. Miller's comments, but pointed out that almost every other city in Alaska has a hotel tax. The business fee being proposed would not need to be voted on. It can be adopted by the City Council.

The City Clerk noted that the ordinance draft in the packet had several areas where Council input was needed, notably, what the fee would be based on, the percentage of the fee, and the frequency of payments to the City. Council member Williams proposed that the fee be assessed on a fixed rate per lodger day, with quarterly payments to the City, within 10 days of the close of the quarter. Council agreed and the City Clerk was directed to prepare the ordinance for introduction at the next meeting.

**Item B: Introduction of Ordinance #97-19, Amending the FY98 Budget.**

**motion** M/M by Williams, 2nd by O'Brien, to introduce Ordinance #97-19, with an amendment to supplement account 100-450-690 by \$34,500, to pay for repairs to the Youth Center pilings.

**motion** M/M by Miller, 2nd by O'Brien, to amend Ordinance #97-19 by removing the amendment which provides for additional funds to renew the CLAIMPAY ambulance billing services.

**withdrawn** Motion withdrawn, after it was noted that the CLAIMPAY amendment could be removed after the public hearing on the ordinance at the August 26 meeting. The Council is expecting additional information from City Administration to justify spending the additional funds for CLAIMPAY's services.

**vote** Roll call vote on main motion. Motion carried, 5-Yes, 1-No (Notti).

**Item C: Discussion, Uniform building codes (O'Brien)**

Council discussed the pros and cons of adopting uniform building codes. Mr. O'Brien noted that the City currently has no building standards or codes of any kind. Council member Richardson pointed out that builders already have to conform to the State building codes. City Administration was directed to work with Council member O'Brien and collect further information for the Council's review.

**Item D: Introduction of Ordinance #97-20, regarding the Purchasing Agent (O'Brien)**

Council member O'Brien explained that he believes the Purchasing Agent should work under the direction of the Finance Department, not City Administration. Council member Richardson stated that she believes the Council should obtain the opinion of the City Manager, before acting on this ordinance.

**motion** M/M by Miller, 2nd by Rodgers, to introduce Ordinance #97-20.

**vote** Voice vote. Motion carried, 6-Yes, 1-No (Richardson).

**Item E: Discussion, PATC portion of BMC (O'Brien)**

Council member O'Brien explained that since the City no longer operates the PATC, there is no need for the code section establishing the PATC advisory board (BMC 2.30). The City Clerk was directed to prepare an ordinance to repeal BMC 2.30 for the next Council meeting.

**Item F: Discussion, Moorage Grace Periods (Greydanus)**

Acting City Manager and Port Director Stuart Greydanus explained his administrative decision to revoke the moorage grace periods implemented by the previous Port Director. Council members Rodgers and Williams agreed with Mr. Greydanus' decision. Further discussion followed, with Council member Richardson asking for a clarification on which vessels would be affected by the change in policy.

**motion** M/M Rodgers, 2nd by Notti, to accept the decision of the Port Director to no longer allow moorage grace periods.

Council member Richardson asked permission to abstain from voting, due to her conflict of interest based on her husband's position as a tender boat operator. Mayor Phillips agreed.

**vote** Roll call vote. Motion carried, 5-Yes, 1-No (Miller), 1-Abstain (Richardson)

The City Clerk was directed to obtain an opinion from the City Attorney on the legality of the Port Director's decision.

**Item G: Introduction of Ordinance #97-21, Dedicating a public park.**

Tom Hildreth, an employee with AVCP-Regional Housing Authority, distributed copies of their plans for development of the park.

**motion** M/M Richardson, 2nd by Rodgers, to introduce Ordinance #97-21.

Council member Miller clarified that the park in question is located at the corner of Owl and Ptarmigan.

**vote** Voice vote. Motion carried, unanimously.

**Item H: Resolution #97-35, Regarding the District Attorney's office.**

Council member O'Brien and Mayor Phillips proposed several changes to the Resolution's grammar and general wording.

**motion** M/M Richardson, 2nd by Rodgers, to adopt Resolution #97-35 as amended.

**vote** Voice vote. Motion carried, unanimously.

The City Clerk was directed to send the Resolution to the Attorney General, the City's legislators, and lobbyist Paul Richards.

**Item I: Resolution #97-36, Regarding the City's voicemail system.**

Council member Rodgers read the Resolution, and explained his reasons for bringing it to Council.

**motion** M/M Notti, 2nd by Williams, to adopt Resolution #97-36.

**vote** Voice vote. Motion carried, 6-Yes, 1-No (Phillips).

**Item J: Resolution #97-37, Accepting two FY98 Municipal Capital Matching Grants.**

**motion** M/M O'Brien, 2nd by Richardson, to adopt Resolution #97-37.

**vote** Voice vote. Motion carried, unanimously.

**Item K: Discussion, Smoking in Public.**

Mayor Phillips explained that she believes smoking in public buildings is a health hazard, and that she would bring an ordinance to the next Council meeting banning smoking in public buildings. The City Clerk was directed to have an ordinance prepared for the next Council meeting.

**Item L: Discussion, Shooting Range.**

Council discussed the need for a public shooting range. The shooting club has requested that the City and BNC negotiate a 14(c)3 conveyance for the purpose of a range. Mike Burley, a member of the club, answered several questions from the Council.

**motion** M/M Miller, 2nd by O'Brien, to direct the City Manager to work with the shooting club and do whatever is necessary to establish a safe shooting range, with provisions for eventual site control by the shooting club.

**vote** Voice vote. Motion carried, unanimously.

**motion** M/M Williams, 2nd by O'Brien, to continue the meeting past 10:00 p.m.

**vote** Voice vote. Motion carried, unanimously.

**Item L: Discussion, Scheduling the City Manager's performance evaluation.**

After some discussion, Council set the date for the City Manager's annual performance evaluation for Thursday, August 21, 6:30 p.m. at the City Offices.

**XI. COUNCIL MEMBER COMMENTS**

**Miller** - Wished a speedy recovery to the City Manager.

**Notti** - No comment.

**O'Brien** - No comment.

**Phillips** - Thanked George Young and Stuart Greydanus for their efforts as Acting City Manager.  
Wished City Manager Weaver a continued recovery.

**Richardson** - No comment.

**Rodgers** - No comment.

**Williams** - No comment.

**XII. EXECUTIVE SESSION**

**motion** M/M by Richardson, 2nd by O'Brien to go into Executive Session for the purpose of reviewing the settlement agreement in the Tundra Women's Coalition suit, at 10:10 p.m.

**vote** Voice vote. Motion carried, unanimously.

**motion** M/M by Richardson, 2nd by Miller to come out of Executive Session, at 10:40 p.m.

**vote** Voice vote. Motion carried, unanimously.

**motion** M/M by Richardson, 2nd by O'Brien to accept the proposed settlement agreement with Tundra Women's Coalition.

**vote** Voice vote. Motion carried, unanimously.

**XIII. ADJOURNMENT**

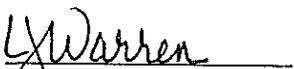
**motion** M/M by Richardson, 2nd by Notti to adjourn the meeting, at 10:40 p.m.

**vote** Voice vote. Motion carried, unanimously.

**PASSED AND APPROVED THIS 26TH DAY OF AUGUST, 1997.**

  
\_\_\_\_\_  
Agnes L. Phillips, Mayor

ATTEST:

  
\_\_\_\_\_  
L.J. Warren, City Clerk