
City of Bethel, Alaska

City Council Minutes

November 30, 2004

Regular Meeting

Bethel, Alaska

CALL TO ORDER

A regular meeting of the Bethel City Council was held on November 30, 2004, at 6:30 p.m., in the Council Chambers, Bethel, Alaska.

Mayor Dymont called the meeting to order at 6:30 p.m.

ROLL CALL

Comprising a quorum of the Council, the following were present:

Andy McGowan	Dave Trantham
Hugh Dymont	R. Thor Williams
Stanley "Tundy" Rodgers	Yolanda Jorgensen
Dan Leinberger (6:32)	

Also in attendance were the following:

Robert Herron, City Manager
Selena Malone, City Clerk

SPECIAL ORDER OF BUSINESS

Item A – Award presentation from the Department of Health and Social Services to the Bethel Heights and Bethel City Subdivision Water System operators in recognition of successfully maintaining optimal levels of water fluoridation to prevent tooth decay for the calendar year 2003

Mayor Dymont presented awards to Bethel Heights and Bethel City Subdivision Water System operators on behalf of the Department of Health and Social Services. Tim Oosterman accepted the award on behalf of the Bethel City Subdivision Water Plan.

Item B – Alaska Municipal League Awards

Mayor Dymont shared the awards received by the City of Bethel from the Alaska Municipal League.

1. Award of Excellence to the Bethel Youth Center
2. Award for participating in the AML Investment Pool

PEOPLE TO BE HEARD

1. Pamela Bumpstad
 - Asked the City Council to consider the concerns of the senior citizens regarding snowmachines on public pathways
 - Asked that a special cab rate be implemented for senior citizens
 - Spoke of the solid waste ordinance in reference to the churches

- Asked that small businesses be exempt from the solid waste fee of \$45
- Spoke of the Oath of Office and how it violates the Constitution

A break was taken from 6:45 p.m. until 6:47 p.m. to obtain a copy of the City of Bethel Oath of Office.

Mayor Dyment read the City of Bethel Oath of Office.

2. Mike O'Brien

- Spoke of the Council's priorities discussed at the November 16, 2004 meeting and expressed his disappointment that the sewer lagoon and the landfill, in terms of health and safety, was not a top priority
- Asked why the new sewer trucks did not have CAT engines to keep consistency
- Stated the new pump station brought in pumps from Seattle and that he is concerned that pumps were bought from Seattle rather than from Alaska.

3. Carl Berger

- Spoke in favor of resolution #04-51 and asked the Council to continue to work towards implementing this plan
- Spoke about his letter to the Finance Director regarding the billing for piped water and sewer service and asked for clarification on how the rates were determined
- Stated that he had not received payment for his volunteer work on the Canvass Board and Recount Board

4. Paul Jenkins

- Spoke of the bumps in the road and how the City should do something to repair the Westward bound highway
- Stated that the \$45 fee for garbage for churches is robbing the church and that the church generates very little garbage and that a lower fee should be implemented

APPROVAL OF MINUTES

MOVED BY:	Trantham	To approve the minutes of the August 10, 2004, regular meeting.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion carried by unanimous voice vote 7-0.
-----------------------	---

MOVED BY:	Rodgers	To approve the minutes of the October 12, 2004, special meeting.
SECONDED BY:	Leinberger	

VOTE ON MOTION	Motion carried by unanimous voice vote 7-0.
-----------------------	---

MOVED BY:	Rodgers	To approve the minutes of the October 26, 2004, special meeting as amended.
SECONDED BY:	Leinberger	

Amendments:

Remove Governor Murkowski from "Also in Attendance were the following:"
To change October 12 to October 26 in the date section.

VOTE ON MOTION	Motion carried by unanimous voice vote 7-0.
-----------------------	---

MOVED BY:	Rodgers	To approve the minutes of the October 26, 2004, regular meeting as amended.
SECONDED BY:	Leinberger	

Amendments:

Pg. 20 of the 11/30/04 packet - 1st Quarter of the Council Member Comments under Council Member Williams, add "the attorney general work for the people"

Pg. 20 of the 11/30/04 packet - Above "Oath Administered", note that Mike O'Brien and Hugh Short left the building.

Pg. 19 of the 11/30/04 packet - Include Commissioners under "Also in attendance:"

Pg. 20 of the 11/30/04 packet - State reasons under Council Member Trantham's motion.

Pg. 20 - Under approval of minutes, change the date to the appropriate date.

VOTE ON MOTION	Motion carried by unanimous voice vote 7-0.
-----------------------	---

MOVED BY:	Trantham	To move the approval of minutes to the November 1, 2004, special meeting.
SECONDED BY:	McGowan	

VOTE ON MOTION	Motion carried by unanimous voice vote 7-0.
-----------------------	---

MOVED BY:	McGowan	To move the approval of minutes to the November 16, 2004, special meeting as corrected.
SECONDED BY:	Trantham	

Amendments:

Pg. 32 of the 11-30-04 packet - add Leinberger

VOTE ON MOTION	Motion carried by unanimous voice vote 7-0.
-----------------------	---

APPROVAL OF CONSENT AND REGULAR AGENDA

MOVED BY:	Williams	To approve agenda for November 30, 2004 Regular Meeting as amended.
SECONDED BY:	Rodgers	

Council Member Trantham requested that items D,E,F, & G be removed from the consent agenda.

VOTE ON MOTION	Motion carried by unanimous voice vote 7-0.
-----------------------	---

A break was taken from 7:36 p.m. until 7:45 p.m.

MAYOR'S REPORT

- Presentation of Bethel Search and Rescue award from the City of Bethel and ONC
- City of Bethel Planning Commission Work Session on December 9, 2004 regarding the donut hole
- Letter from Moses Ayagalria
- Letter from Christy Miller regarding the National Flood Insurance Program
- Letter from Carl Berger
- Letter from Division of Community Advocacy regarding the CDBG grant
- Letter from Department of the Army and Air Force regarding the new Alaska Army National Guard Readiness Center (Armory)
-

MOVED BY:	Williams	To direct the City Manager to come up with a business plan to move the lift station and remediation of the site for the National Guard Readiness Center by the December 14, 2004 Council meeting.
SECONDED BY:	McGowan	

VOTE ON MOTION	Motion carried by unanimous voice vote 7-0.
-----------------------	---

- Letter from Nancy Murkowski regarding the Governor's Mansion
- Applications for Committees/Commissions
- Appointment of Mike O'Brien to the Public Works Committee

MOVED BY:	Trantham	To confirm nomination of Mike O'Brien to the Public Works Committee.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion carried by unanimous voice consent.
-----------------------	--

- Appointment of Jeff Parks to the Parks and Recreation Committee

MOVED BY:	Trantham	To confirm nomination of Jeff Parks to the Parks and Recreation Committee.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion carried by unanimous voice vote 7-0.
-----------------------	---

MANAGER'S REPORT

- Fire Truck Purchase
- Bethel Group Home Property
- Lot between NAPA and Longhouse
- Court House Expansion

MOVED BY:	Williams	To give Administration the direction to move forward with the new design and construction of the court house, with the court system for the second floor. The expansion of the court house would be covered by the leasing of the building
SECONDED BY:	Leinberger	

VOTE ON MOTION	Motion passed 6-1 (No – Rodgers).
-----------------------	-----------------------------------

A break was taken from 9:15 p.m. until 9:25 p.m.

- Main Lift Station
- Crowley/Yukon Update
- Port Authority Issue
- Ptarmigan Road

MOVED BY:	Rodgers	To suspend the rules to put item A & B under New Business and move them after the Manager's report.
SECONDED BY:	McGowan	

VOTE ON MOTION	Motion carried by unanimous voice vote 7-0.
-----------------------	---

- Regulatory Commission of Alaska and Bethel Utilities

- Financial and Capital Priorities of City Administration
- Personnel Matters
- City Manager Travel Status

NEW BUSINESS

Item A – Bethel Search and Rescue Donation

MOVED BY:	Leinberger	To donate \$500 to the Bethel Search and Rescue and if there is any money, out of the \$1000 fund, at the end of the fiscal year that it is given to the Bethel Search and Rescue.
SECONDED BY:	Jorgensen	

VOTE ON MOTION	Motion carried by unanimous consent 7-0.
-----------------------	--

Item B – Discussion of the City of Bethel authorizing the disposal of Tract B1, Resubdivided Block 9, City Subdivision, US Survey 3770, NW Addition to the Bethel Townsite to Irene and Joseph Venes as property no longer necessary for municipal purposes

Council concurred that the Administration draft an ordinance to be introduced at the December 14, 2004 meeting.

CLERK’S REPORT

- Codification

MOVED BY:	McGowan	To accept the bid from Code Publishing.
SECONDED BY:	Jorgensen	

MOVED BY:	Rodgers	To suspend the rules to go past 10:00 p.m.
SECONDED BY:	McGowan	

VOTE ON MOTION	Motion carried by unanimous voice vote 7-0.
-----------------------	---

MOVED BY:	Williams	To postpone the awarding of the bid to Code Publishing until the December 14, 2004 meeting.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion failed 3-4 (No – McGowan, Leinberger, Dymant, Jorgensen).
-----------------------	--

VOTE ON MOTION	Motion passed 4-3 (No – Rodgers, Trantham, Williams).
-----------------------	---

Council concurred to allow the City Clerk to work on the newsletter from home during business hours.

REPORTS OF STANDING COMMITTEES

Public Safety and Transportation Commission – Mayor Dymant reported that the Police Chief would address alternative ways to address the animal control issue. Mr. Dymant indicated that the Public Safety and Transportation Commission discussed and recommended that the speed limit on Ptarmigan Road between AVCP Housing and Delta Cottages be reduced to 30 miles per hour.

MOVED BY:	McGowan	To post the speed limit at 25 miles per hour for the Ptarmigan Road.
SECONDED BY:	Trantham	

VOTE ON MOTION	Motion failed 3-4 (No – Leinberger, Williams, Rodgers, Jorgensen).
-----------------------	--

MOVED BY:	Leinberger	To set and post the speed limit at 30 miles per hour for the Ptarmigan Road between AVCP Apartments and Tundra Ridge.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion passes 5-2 (No – McGowan, Trantham).
-----------------------	---

MOVED BY:	Leinberger	To suspend the rules to go past 11:00 p.m.
SECONDED BY:	Williams	

VOTE ON MOTION	Motion carried by a unanimous voice vote.
-----------------------	---

A break was taken from 10:55 p.m. until 11:05 p.m.

Planning Commission – Council Member Rodgers reported that the Planning Commission will meet on December 9, 2004 to discuss the planning of the donut hole road.

Senior Advisory Board – Council Member Trantham reported that the Senior Advisory Board met on November 17, 2004 and Christmas activities were planned. Mr. Trantham indicated that the next Senior Advisory Board meeting was at December 14, 2004 at 10:30 AM.

Port Commission - Council Member Williams reported that November 15, 2004 and items that were discussed included the Crow building, requests for proposals, the Quonset hut, the status of the Port Director position, the purchasing of canned docks, and increasing the price of the rent for the space on the dock.

Finance Committee – Council Member McGowan reported that the Finance Committee met on November 23, 2004. Mr. McGowan reported that there was a joint meeting with the Public Works Committee.

Public Works Committee – Council Member Leinberger reported that there was no quorum for the November 16th meeting, and that they met jointly with the Finance Committee on November 23, 2004. Mr. Leinberger reported that the recommendation from the joint meeting was to have the Planning Commission draft an ordinance to require any new buildings have at least a 1,000 gallon water tank.

Parks and Recreation Committee – Council Member Jorgensen reported that the Parks and Recreation Committee did not have a quorum on November 16, 2004, and that the current schedule of meeting during the lunch hours is being deliberated amongst the committee members. Council Member Jorgensen discussed the proposed updates to Pinky's Park equipment.

UNFINISHED BUSINESS

Discussion of the City Clerk's Resignation

MOVED BY:	McGowan	To accept the resignation of Selena Malone effective January 28, 2005.
SECONDED BY:	Williams	

VOTE ON MOTION	Motion passed 5-2 (No – Rodgers, Williams).
-----------------------	---

Council members discussed the posting of the City Clerk position and set a closing date of December 14, 2004, with a special meeting to be held on December 16, 2004 to conduct interviews.

NEW BUSINESS

Item A – Bethel Search and Rescue Donation

Item A was addressed as the first item under New Business.

Item B – Discussion of the City of Bethel authorizing the disposal of Tract B1, Resubdivided Block 9, City Subdivision, US Survey 3770, NW Addition to the Bethel Townsite to Irene and Joseph Venes as property no longer necessary for municipal purposes

Items B was addressed as the second item under New Business.

Item C – Ordinance #04-27: An Ordinance amending section 4.16.190 of the Bethel Municipal Code, to remove the total sales tax penalty for a single month from shall not exceed one thousand five hundred dollars to removal of the one thousand five hundred dollars monthly cap

Agenda Item C was passed under the consent agenda.

Item D – Ordinance #04-28: An Ordinance amending section 13.16.010 of the Bethel Municipal Code, to remove churches from a monthly flat rate of \$45.00 to a residential service rate with a flat rate of \$12.00

MOVED BY:	McGowan	To send Ordinance #04-28 to the Finance Committee for review with recommendation by the December 14, 2004 meeting.
SECONDED BY:	Trantham	

VOTE ON MOTION	Motion passed with council concurrence.
-----------------------	---

Item E – Ordinance #04-29: An Ordinance amending section 4.04.020 and 4.04.025 Bethel Municipal Code regarding the Budget Estimate Preparation and the Fees and Charges Revenue Estimate Preparation

MOVED BY:	Williams	To introduce Ordinance #04-29 with a public hearing set for December 14, 2004.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion passed 5-2 (No – Dymont, Williams).
-----------------------	--

Item F – Ordinance #04-09(B): An Ordinance of the Bethel City Council amending the adopted Annual FY 2004-2005 Budget

MOVED BY:	Williams	To delay Ordinance #04-09(B) to the January 11, 2005
------------------	----------	--

SECONDED BY:	Rodgers	meeting.
---------------------	---------	----------

VOTE ON MOTION	Motion passed unanimously 7-0.	
-----------------------	--------------------------------	--

Item G – Resolution #04-51: A Resolution to accept the Bethel Public Transit System Plan prepared by Nelson\Nygaard Consulting Associates with HDR Alaska, Inc.

MOVED BY:	Williams	To accept Resolution #04-51 as amended.
SECONDED BY:	Rodgers	

Council Member Trantham proposed that the introduction say City Manager Herron. Mr. Trantham also suggested that, in the last line, unanimous be removed and replaced with, "vote of ___ in favor and ___ opposed".

VOTE ON MOTION	Motion passed 6-1 (No – Rodgers).	
-----------------------	-----------------------------------	--

Item H – Resolution #04-52: A Resolution accepting a grant offer amendment to phase six (#16728) of the Water and Sewer Project for the City of Bethel

MOVED BY:	Williams	To adopt resolution #04-52 as amended.
SECONDED BY:	McGowan	

Council Member Trantham suggested that, in the last line, unanimous be removed and replace with, vote of ___ in favor and ___ opposed.

VOTE ON MOTION	Motion passed 6-1 (No – Rodgers).	
-----------------------	-----------------------------------	--

Item I – Discussion of the capital budget priorities for the City of Bethel

MOVED BY:	Williams	To go past 12:00 a.m. on December 1, 2004.
SECONDED BY:	Leinberger	

VOTE ON MOTION	Motion passed 6-1 (No – Rodgers).	
-----------------------	-----------------------------------	--

Council Members listed their capital budget priorities in the following order:

1. Transportation (gravel, local road improvements, proposed road through donut hole)
2. Protection of the New Alaska Army National Guard Readiness Center
3. \$10 million water and sewer through Village Safewater
4. New Police Station
5. Community Recreation Center

MOVED BY:	McGowan	To direct Administration to draft a budget amendment to hire a lobbyist for the legislative session for \$13,000.
SECONDED BY:	Leinberger	

VOTE ON MOTION	Motion passed 5-2 (No – Rodgers, Trantham).	
-----------------------	---	--

MOVED BY:	McGowan	To accept the priorities as listed in the order above.
SECONDED BY:	Leinberger	

VOTE ON MOTION	Motion passed unanimously 7-0.
-----------------------	--------------------------------

Item J – Discussion of the Bethel Native Corporation settlement letter regarding TACAN

Item J was postponed, with council concurrence, until the December 14, 2004 meeting.

Item K – Discussion of drafting an ordinance to change BMC 2.52.040 (a) (Qualifications of Boards, Committees, and Commissions)

Council Members discussed putting the issue on a BMC fix-it list.

COUNCIL MEMBER COMMENTS

Council Member Rodgers – Hug an elder.

Council Member Trantham – Thanked ONC for their donation to the Senior Center and shared the Anchorage Daily News.

Council Member Williams – Requested the minutes of the meeting with the water wagon man, expressed his concerns with the City website, and expressed concerns with the auditors. Mr. Williams suggested that the Council needs to look at the what they want in the monthly financial reports. Requested that three-ring binders be brought back for packets.

Council Member Jorgensen - Spoke about enforcing the litter law. Spoke about shooting dogs with pellet guns.

Council Member Leinberger - Had no comments.

Council Member McGowan – Recognized the resignation of the City Clerk and thanked her for being understanding.

Council Member Dymont – Suggested that the Council keep their meetings as short as possible by being judicious about removing things off of the consent agenda. Mr. Dymont stated that the Council should not habitually remove items off of the consent agenda and noted to be careful in doing so.

ADJOURNMENT

MOVED BY:	Leinberger	To adjourn the meeting at 12:45 a.m.
SECONDED BY:	McGowan	

VOTE ON MOTION	Motion carried by unanimous voice vote 6-1 (No – Rodgers).
-----------------------	--

With no further business before the Council, the meeting was adjourned at 12:45 a.m.

APPROVED THIS 14th DAY OF December, 2004.

ATTEST:

Hugh Dymont, Mayor

Selena Malone, City Clerk