
City of Bethel City Council Meeting Minutes

February 9, 2010

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on February 9, 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 Thomas Valadez

Absent: None

Also Present: City Manager Lee Foley
City Clerk Lori Strickler

III. PEOPLE TO BE HEARD-

Skyler Sargent-
Spoke in favor of the Bethel Aquatic Training and Health Facility.

Zane Sargent-
Spoke in favor of the Bethel Aquatic Training and Health Facility.

Dave Trantham-

- Stated the city council should not be subject to bullying by community members and perhaps something should be done to prevent that from happening.
- Constitutional rights will be taken if the community decides to opt back into local option on May 4th.

IV. APPROVAL OF THE AGENDA

MOVED:	Hoffman	Motion to approve the consent and regular agenda.
SECONDED:	Hippler	
MOVED:	Hippler	Motion to amend, to pull Resolution 10-08 through Resolution 10-14 from the consent agenda.
MOVED:	Middlebrook	Motion to amend, to pull Resolutions 10-16 and 10-18 from the consent agenda.
VOTE ON MAIN MOTION	All in favor	

MOVED:	Hoffman	Motion to table, Special Order of Business item A, until Angie Pinsonneault is able to call back in.
SECONDED:	Middlebrook	
VOTE ON MAIN MOTION	All in favor	

V. APPROVAL OF THE MEETING MINUTES

Item A- 01/12/2010 Regular City Council Meeting.

MOVED:	Middlebrook	Motion to approve the meeting minutes from January 12, 2010.
SECONDED:	Hoffman	
VOTE ON MAIN MOTION	All in favor	

Item B – 1/25/2010 Special City Council Meeting.

Passed on the consent agenda.

Item C - 1/26/2010 Regular City Council Meeting.

Passed on the consent agenda.

VI. UNFINISHED BUSINESS

Item A – Public Hearing Of Ordinance 09-39: Allowing For The Abatement Of Taxes And Penalties And Interest Related To Taxes.

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

MOVED:	Hoffman	Motion to adopt Ordinance 09-39 was made at the January 12 th meeting.
SECONDED:	Hippler	
VOTE ON MAIN MOTION	1-6 Motion fails, Hoffman in favor	

Item B - Public Hearing Of Ordinance 09-47: Amending The BMC Chapter 5.08, Alcoholic Beverage Sales In The City Of Bethel Jurisdiction.

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

MOVED:	Hippler	Motion to adopt Ordinance 09-47.
SECONDED:	Pike	
VOTE ON MAIN MOTION	All opposed	

MOVED:	Middlebrook	Motion to pull from the table Item A, under Special Order of Business.
SECONDED:	Hippler	
VOTE ON MAIN MOTION	All in favor	

SPECIAL ORDER OF BUSINESS

Item A- Bethel Aquatic Training and Health Center Business Plan Discussion, teleconference with Angie Pinsonneault, Mikunda Cottrell & Company.

MOVED:	Hoffman	Motion to suspend the rules to hear from the Parks and Recreation Director, Janet Athanas, during this discussion.
SECONDED:	Middlebrook	

VOTE ON MAIN MOTION	All in favor
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MOVED:	Hoffman	Motion to suspend the rules to hear from the Grants Development Manager, John Sargent.
SECONDED:	Pike	

VOTE ON MAIN MOTION	All in favor
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NEW BUSINESS

Item C- Public Hearing Of Ordinance 10-02: Adding Section 5.08.200 Protest, To The Bethel Municipal Code Establishing A Method To Protest All Liquor Licenses Within The City Of Bethel.

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

MOVED:	Pike	Motion to adopt Ordinance 10-02.
SECONDED:	Hippler	

MOVED:	Robb	Motion to amend, to strike "in favor of" and insert "vote on" the protest.
SECONDED:	Pike	

VOTE ON MOTION	All in favor
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MOVED:	Middlebrook	Motion to table until there is a legal review by the city attorney.
SECONDED:	Hippler	

VOTE ON TABLING MOTION	4-3 Motion passes, Robb, Klejka and Valadez opposed
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Item D – Public Hearing Of Ordinance 10-03: Amending Chapter 4.04 Regarding The Submission Date For The Annual Budget Estimate And Estimate of Revenues.

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

MOVED:	Pike	Motion to adopt Ordinance 10-03.
SECONDED:	Hoffman	
MOVED:	Pike	Motion to suspend the rules to hear from the Finance Director, Laurie Walters.
SECONDED:	Hoffman	
VOTE ON MAIN MOTION	All in favor	
MOVED:	Middlebrook	Motion to amend, to strike "April 15" and to insert "April 1".
SECONDED:	Hippler	
VOTE ON MOTION	4-3 Motion passes, Klejka, Hoffman and Pike opposed	
VOTE ON MAIN MOTION	All in favor	

Item E –Introduction Of Ordinance 10-04: Authorizing Individual Council Members One Hour Each Month Of Attorney Services To Discuss City Related Issues.

MOVED:	Hoffman	Motion to introduce Ordinance 10-04.
SECONDED:	Hippler	
VOTE ON MAIN MOTION	1-6 Motion fails, Robb in favor	

Item F- Public Hearing Of Ordinance 10-05: Amending Section 5.20.160 Taxicab Fees To Strike The Term "In Lieu Of Sales Tax".

MOVED:	Hippler	Motion to adopt Ordinance 10-05.
SECONDED:	Middlebrook	
VOTE ON MAIN MOTION	All opposed	

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

Item G- Public Hearing Of Ordinance 09-11 (f): Budget Modification.

Mayor Klejka opened the public hearing.

No one wished to be heard.

Mayor Klejka closed the public hearing.

MOVED:	Hippler	Motion to adopt Ordinance 09-11 (f).
SECONDED:	Hoffman	
MOVED:	Hoffman	Motion to suspend the rules to hear from the Port Director, Pete Williams.
SECONDED:	Middlebrook	
VOTE ON MAIN MOTION	All in favor	
MOVED:	Robb	Motion to amend to insert "\$200,000" under line item 4050771 and "(200,000) from line 4050643".
SECONDED:	Pike	
VOTE ON MOTION	All in favor	
MOVED:	Hoffman	Motion to amend, to insert "\$900.00" from " \$300.00 " for social security for the volunteers.
SECONDED:	Hippler	
VOTE ON MOTION	All in favor	
MOVED:	Robb	Motion to amend, under 10-66-510 Social Security to strike " \$900.00 ".
SECONDED:	Middlebrook	
VOTE ON MOTION	All in favor	
VOTE ON MAIN MOTION	All in favor	

Item H- Resolution 10-06: Protesting The Issuance Of A State Of Alaska Alcoholic Package Store License For Alaska Commercial Company AC Value Center: Located At 514 Ridgecrest Street: Owned By North West Company International Inc.

MOVED:	Middlebrook	Motion to pull from the table the adoption of Resolution 10-06.
SECONDED:	Hippler	
VOTE ON MAIN	All in favor	

MOTION	
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Item I- Alaska Court System Requests Small Name Revision To Nora Guinn Courthouse Complex.

MOVED:	Hippler	Motion to approve was made at the January 12 meeting.
SECONDED:	Hoffman	
VOTE ON MAIN MOTION	All in favor	

I. NEW BUSINESS

Item A – Resolution 10-08: Encourages Our Legislators Bob Herron And Lyman Hoffman To Propose, Support; And Encourage The Alaska Legislature, To Take Up Changes In Alaska Statute To End These Onerous Regulations Regarding Local Option Communities Including But Not Limited To: Abolish The Database Of Alcohol Purchases And Shipments To Local Options Communities.

MOVED:	Robb	Motion to adopt Resolution 10-08.
SECONDED:	Middlebrook	
MOVED:	Middlebrook	Motion to suspend the rules to move to Resolution 10-18.
SECONDED:	Pike	
VOTE ON MAIN MOTION	5-2 Motion passes, Hippler and Robb opposed	

Item K – Resolution 10-18: Requesting Changes To Title 4 In Alaska Statutes.

MOVED:	Middlebrook	Motion to adopt Resolution 10-18.
SECONDED:	Hippler	

MOVED:	Middlebrook	Motion to amend, to approve the amendments provided in the packet.
SECONDED:		
VOTE ON MOTION		
		All in favor
MOVED:	Middlebrook	Motion to amend, to put into parenthesis the word "limits" after the last or in the NOW THEREFORE, BE IT RESOLVED.
SECONDED:	Pike	
VOTE ON MOTION		
		All in favor
MOVED:	Robb	Motion to amend, to insert under NOW THEREFORE, BE IT RESOLVED THAT "This would allow communities to choose not to participate in a a) statewide database b) Presumption of sale and related penalties for possession of more than stated limits c) Limits for importation and possession d) Special packaging and marking of alcohol shipments".
SECONDED:	Pike	
VOTE ON MOTION		
		6-1 Motion passes Middlebrook opposed
VOTE ON MAIN MOTION		All in favor

Item A – Resolution 10-08: Encourages Our Legislators Bob Herron And Lyman Hoffman To Propose, Support; And Encourage The Alaska Legislature, To Take Up Changes In Alaska Statute To End These Onerous Regulations Regarding Local Option Communities Including But Not Limited To: Abolish The Database Of Alcohol Purchases And Shipments To Local Options Communities.

MOVED:	Robb	Motion to adopt Resolution 10-08 made earlier in the meeting.
SECONDED:	Middlebrook	
MOVED:	Middlebrook	Motion to amend to strike all references to "onerous" and insert
SECONDED:	Valadez	

	"oppressive" in all of the resolutions.
VOTE ON MOTION	All in favor
VOTE ON MAIN MOTION	1-6 Motion fails, Robb in favor

Item B - Resolution 10-09: Encourages Our Legislators Bob Herron And Lyman Hoffman To Propose, Support; And Encourage The Alaska Legislature, To Take Up Changes In Alaska Statute To End These Onerous Regulations Regarding Local Option Communities Including But Not Limited To: Abolish Statutes That Limit The Amount And Timing Of Local Option Elections In A Community If The Community Wants To Have Additional Elections Regardless Of Whether The Proposed Changes Would Make The Local Option Laws Of The Community More Restrictive Or Less Restrictive.

MOVED:	Robb	Motion to adopt Resolution 10-09.
SECONDED:	Pike	
MOVED:	Hippler	Motion to amend, under NOW THEREFORE, BE IT RESOLVED THAT abolish statutes that "unequally" limit the amount and timing...
SECONDED:	Middlebrook	
VOTE ON MOTION	All in favor	
VOTE ON MAIN MOTION	All in favor	

MOVED:	Middlebrook	Motion to extend the meeting past 10:00p.
SECONDED:	Valadez	
VOTE ON MAIN MOTION	All in favor	

MOVED:	Middlebrook	Motion to combine Resolution 10-09 and 10-12 by combining the whereas clauses and making the 10-12 NOW THEREFORE, BE IT RESOLVED become the NOW THEREFORE BE IT FURTHER RESOLVED.
SECONDED:		

VOTE ON MAIN MOTION	Motion does not carry due to a lack of a second.
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Item C – Resolution 10-10: Encourages Our Legislators Bob Herron And Lyman Hoffman To Propose, Support; And Encourage The Alaska Legislature, To Take Up Changes In Alaska Statute To End These Onerous Regulations Regarding Local Option Communities Including But Not Limited To: Changing Restrictions On The Amount Of Alcohol One Can Legally Order And Ship To Local Option Communities That Allow Alcohol Importation And Possession. The Legal Limit For Beer Shall Be Increased To 16 Gallons.

MOVED:	Robb	Motion to adopt Resolution 10-10.
SECONDED:	Valadez	
VOTE ON MAIN MOTION	6-1 Motion passes, Middlebrook opposed	

Item D- Resolution 10-11: Encourages Our Legislators Bob Herron And Lyman Hoffman To Propose, Support; And Encourage The Alaska Legislature, To Take Up Changes In Alaska Statute To End These Onerous Regulations Regarding Local Option Communities Including But Not Limited To: Abolish State Imposed Special Packaging And Marking Of Alcohol Shipments.

MOVED:	Robb	Motion to adopt Resolution 10-11.
SECONDED:	Valadez	
VOTE ON MAIN MOTION	2-5 Motion fails, Robb and Valadez in favor	

Item E- Resolution 10-12: Encourages Our Legislators Bob Herron And Lyman Hoffman To Propose, Support; And Encourage The Alaska Legislature, To Take Up Changes In Alaska Statute To End These Onerous Regulations Regarding Local Option Communities Including But Not Limited To Make The Crime Of Selling Alcohol Without A License (Bootlegging) A Felony In Local Option Communities But A Misdemeanor In Other Parts Of The State, The Crime Should Be Punished The Same Regardless Of Where It Occurs.

MOVED:	Robb	Motion to adopt Resolution 10-12.
SECONDED:	Valadez	

VOTE ON MAIN MOTION	3-4 Motion fails, Pike, Middlebrook and Robb in favor
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Item F – Resolution 10-13: Encourages Our Legislators Bob Herron And Lyman Hoffman To Propose, Support; And Encourage The Alaska Legislature, To Take Up Changes In Alaska Statute To Abolish State Statute Regarding Presumption Of Sale And Related Penalties For Possession Of More Than Stated Limits.

MOVED:	Robb	Motion to adopt Resolution 10-13.
SECONDED:	Valadez	
VOTE ON MAIN MOTION	1-6 Motion fails, Robb in favor	

Item G- Resolution 10-14: Encourages Our Legislators Bob Herron And Lyman Hoffman To Propose, Support; And Encourage The Alaska Legislature, To Abolish State Imposed Restrictions On The Amount Of Alcohol One Can Legally Order And Ship To Local Option Communities That Allow Alcohol Importation And Possession.

MOVED:	Robb	Motion to adopt Resolution 10-14.
SECONDED:	Valadez	
VOTE ON MAIN MOTION	1-6 Motion fails, Robb in favor	

Item H - Resolution 10-15: Capital Priorities Revised.

Passed on the consent agenda.

Item I – Resolution 10-16: Protesting The Issuance Of A State Of Alaska Alcoholic Club License For The VFW: Located At 150 Akiak Dr.

MOVED:	Pike	Motion to adopt Resolution 10-16.
SECONDED:	Valadez	
VOTE ON MAIN MOTION	All in favor	

Item J – Resolution 10-17: Congressional Priorities 2011.

Passed on the consent agenda.

Item L – Introduction Of Ordinance 10-06: Amending BMC Title 14 Regarding Logs In Port Facilities.

Passed on the consent agenda.

Item M- AM 10-08: Appointment Of Rich Pope To The Port Commission.

Council concerned to Mayor Kejka's appointment.

Item N- AM 10-09: Options To Outsourcing Payroll For The City.

MOVED:	Middlebrook	Motion to suspend the rules to hear from the Assistant Finance Director, Ryan Cope.
SECONDED:	Pike	
VOTE ON MAIN MOTION	All in favor	

MOVED:	Middlebrook	Motion to approve the city manger proceeding with the ADP Contract.
SECONDED:	Hippler	
VOTE ON MAIN MOTION	All in favor	

Item O- IM 10-02: Timeline Of Donut Hole Land Relinquished ANCSA Land

MOVED:	Hippler	Motion to table until the next meeting.
SECONDED:	Valadez	
VOTE ON MAIN MOTION	1-6 Motion passes, Middlebrook opposed	

Item P- IM 10-03: BATH Business Plan And Financial Forecast.

MOVED:	Middlebrook	Motion to suspend the rules to go to the mayor's report.
SECONDED:	Hoffman	
VOTE ON MAIN MOTION	All in favor	

- II. MAYOR'S REPORT**
- III. MANAGER'S REPORT**
- IV. CITY CLERK'S REPORT**

V. COUNCIL MEMBERS COMMENTS

Council Member Valadez –

His official resignation date is February 22nd has faith in the Council's ability.

Art Freitas, one of the City's volunteer firefighters and EMTs assisted a man having a heart attack on a flight into Anchorage.

Council Member Pike –

Thanked Council Member Valadez for his service and encouraged people to submit their letter of interest.

Council Member Hoffman –

Encouraged all interested parties to submit their letters of interest for the vacant city council seat.

Council Member Hippler –

Hope that the long discussions on alcohol are coming to a close however appreciated the conversations regarding alcohol.

Council Member Robb-

Thanked Council Member Valadez for his service.

Was thankful to see a favorable business plan for the BATH facility.

Thanked the council for working through all of the resolutions.

Vice-Mayor Middlebrook –

Thanked the council members for working through all of the resolutions on alcohol.

Had a busy visit to Juneau, the lobbying efforts are hoped to be effective. At the AML Board meeting, not too much affected the communities in the region.

They did touch on emergency services and the response to the surrounding communities.

The State is still working on the jail expansion and looked for the City's support.

Emerging Energy Technology Fund is lending hands to a possible pilot project with the liquefied compressed natural gas.

Visited with Martha Scott who used to live in the area.

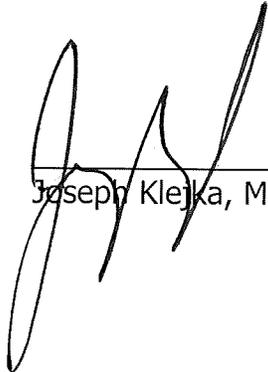
Mayor Klejka –

Teleconferenced with Senator Begich and tried to stress the need for funding on the seawall.

Thanked Council Member Valadez for his service.

MOVED:	Middlebrook	Motion to adjourn.
SECONDED:	Valadez	
VOTE ON MAIN MOTION	All in favor	

VI. ADJOURNMENT



Joseph Klejka, Mayor

ATTEST:


Lori Strickler, City Clerk