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# City of Bethel, Alaska

## City Council Minutes

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November 13, 2001

Regular Meeting

Bethel, Alaska

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### CALL TO ORDER

A regular meeting of the Bethel City Council was held on November 13, 2001, at 6:30 p.m. in the Council chambers, Bethel, Alaska.

Mayor Rodgers called the meeting to order at 6:36 p.m.

### ROLL CALL

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

Jerry Drake	Stanley "Tundy" Rodgers
Carl Berger	Mary Pavil
Hugh Short, Jr.	
Karol Sanchez-Pobrislo	

Also in attendance were the following:

Robert Herron, City Manager  
Colleen Soberay, City Clerk

### PEOPLE TO BE HEARD

*There was no one to be heard.*

### APPROVAL OF MINUTES

<b>MOVED BY:</b>	Drake	To approve the minutes of the October 23, 2001 regular meeting
<b>SECONDED BY:</b>	Berger	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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### APPROVAL OF AGENDA

<b>MOVED BY:</b>	Pavil	To approve the regular agenda and consent agenda after adding new business item E: Taxi cab rates as promulgation of the PSTC; and new business item F. ONC resolution 01-11-23; and executive session item A: Follow-up on legal matter and task
<b>SECONDED BY:</b>	Drake	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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## **MAYOR'S REPORT**

The Mayor's Report included the following:

- Governor's Talking Points for the week of October 22 and November 5, 2001
- Letter from DOT to Executive Director of AML — *Re:* Meeting in regard to role of local government in the development of DOT's highway projects
- Alaska Conference of Mayors/AML Board of Directors—Joint meeting: November 27, 2001
- News Release — *Re:* Knowles vows full prosecution of threats to Alaska's energy facilities
- News Release — *Re:* Knowles strengthens security presence along pipeline; Yukon River Checkpoint responds to heightened National alert

## **MANAGEMENT TEAM'S REPORT**

City Manager Herron, noted the management reports included in Council packets.

Council member Sanchez-Pobrislo asked the Police Chief or City Manager to give an example of "other defenses" under Calls for Services in the Chief's management report. Chief Pettit explained the Police Department is currently using a default system but gave examples such as drunk driving or protective custody.

Council member Berger announced that the Police Department Staff is scheduled to meet Nov. 15 at 10 a.m. He encouraged other Council members to attend, as well.

## **REPORTS OF STANDING COMMITTEES**

### **Senior Advisory Board**

Council member Berger said the SAB met October 26. He reported the main topics of discussion were program evaluation tools; fundraising; holiday events; translation for Board meetings; seniors have an interest in gardening. Mr. Berger said total contributions to the Senior Center to date are \$10,450 and ONC committed \$5,000 for repairs to the building. He said the next meeting is November 16.

### **Parks and Recreation Committee**

Council member Short said the committee met two weeks ago and discussed proposed lease of land to the K-300 organization. Mr. Short reported that the Acting Port Director attended the meeting to oppose the "Keppel" park that was proposed last summer.

Council member Sanchez-Pobrislo asked if the Parks and Recreation Committee is waiting for Council action to address the K-300 lease. Council member Short replied that the Committee didn't have time to review all of the details and had some concerns.

### **Planning Commission**

*Council member Notti was not present. Mayor Rodgers reviewed the Planning Commission's agenda.*

### **Port Commission**

Mayor Rodgers said the commission has not met since the last Council meeting.

### **Public Works Committee**

Council member Drake said the committee has not met since the last Council meeting. Mr. Drake, however, reported on the AML Public Works and Infrastructure Committee teleconference in regard to the DOT draft regulations for elimination of local government review and approval of highway

projects. Mr. Drake explained that the Committee decided to take the best of the regulations and policies that DOT uses for Anchorage, Kenai and Fairbanks and present these to the Board with the recommendation to support the implementation of these on a statewide basis. He said expect to hear about this issue at the policy meetings at the AML Conference. He said it is well on its way to be worked out, as regions are working with communities so it seems it is only one or two that want local involvement eliminated.

Mr. Drake also reported on the Board of Directors meeting. He said the Board outlined the events to take place during the AML conference. He said the Board also discussed the "If I were Mayor" Contest and that the best five would be presented at the AML Conference. Mr. Drake also explained the Mayor's Silent Auction and said it would be a good idea to make the City's presence felt. Mayor Rodgers directed the City Manager to provide an item for the Silent Auction.

**Public Safety and Transportation Commission**

Council member Pavil said she was not able to attend, but asked Chairman Hastie to review what was discussed at the meeting. Mr. Hastie said the Commission discussed cab rates and the Transportation Inspector's presentation of the cab driver test. He said the test was approved by the Commission. Mr. Hastie also explained fire extinguisher/safety of gauges were discussed.

**Finance Committee**

Council member Sanchez-Pobrislo said the committee met October 25 and highlighted the minutes and recommendations of that meeting. Ms. Sanchez-Pobrislo said the committee plans to review water and sewer hauling rates to be proposed by the finance and public works staff. She said the finance committee referred commercial use of dump definition and policy to Council and City manager and the committee is still waiting a response.

City manager Herron said the Finance Director did not forward this recommendation to Council or the City Clerk. He said he would respond to some of the issues in the Finance minutes when appropriate. Council member Sanchez-Pobrislo asked if Manager Herron would speak to the privatization of garbage collection. Manager Herron said the City has talked about this for a long time. He said at a prior council meeting he recommended Council take no action until the feasibility study was complete. Council member Sanchez-Pobrislo said a directive to issue RFPs for subject services was addressed and an RFP is not something the committee is committed to. Manager Herron said this is something the City should look at, but recommends the City hold off until the feasibility study is complete.

Council member Sanchez-Pobrislo said the water/sewer utility is operating at a net loss which was discussed, as was other recommendations that were forwarded to Council. She said the next meeting is November 15 and reviewed the agenda.

**UNFINISHED BUSINESS**

**Item A — Public Hearing — Ordinance #01-18: An ordinance amending certain sections of Title 14 Harbors and Ports regarding payment of fees and charges**

City manager Herron explained Ord. 18 was introduced and referred to the Port Commission. He said the Acting Port Director assisted with the new straightforward language. City Manager Herron said Administration recommends Council approval.

<b>MOVED BY:</b>	Drake	To adopt ordinance #01-18
<b>SECONDED BY:</b>	Sanchez-Pobrislo	

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Council member Drake said he is in support of this ordinance and referred to the Finance Director's report in regard to the list of Port delinquencies, which he said used to be longer. He said this ordinance gives administration the tools to ensure the collection of Port delinquencies.

**VOTE ON MOTION**

Motion carried by unanimous roll-call vote 6-0

**Item B — Discussion Item: T. Miller's Chauffeur's permit**

Mr. Miller said he believes Council should do three things: 1. Reinstate his taxi permit; 2. Forgive his tax arrears owed to the City; 3. Pay him \$10,000 for damages and lost wages. Mr. Miller said he should be reinstated his permit because the City never had legal authority to take it away. Mr. Miller reviewed the events that lead to his permit being revoked and hearings he participated in to try to get his permit back. He said Council directed the Transportation Inspector to reissue his permit, but the Inspector did not. He said he prevailed at the hearings, but still did not receive his permit. He further explained that he lost 656 days of employment and revenue as a result of the City not reissuing his permit. Mr. Miller said if his permit had not been revoked, taking away his employment, he would not have gotten behind in taxes owed. He reviewed the history of his trying to work payment plans out with the City, but said with high interests and penalties due to the City's interference the taxes weren't paid. Mr. Miller continued that taking this into consideration, his permit was erroneously revoked and interfered with him paying taxes. He said City action has downgraded his life and emotional state and the City should give him his permit back, forgive his tax arrears and pay him damages of \$10,000. Mr. Miller accused the City of misconduct and ill-intent that his has been mistreated. Mr. Miller further asked that his business license be in good standing for 2002 and that he not be harassed in the future by City officials.

Council member Sanchez-Pobrislo asked Mr. Miller what he would do with the permit if it were issued to him tomorrow. Mr. Miller responded that he would lease his permit and apply for a chauffeurs permit.

Council member Short asked about the votes to reinstate Mr. Miller's permit by Council and the PSTC and asked Manager Herron why Mr. Miller's permit was not reinstated. Manager Herron said he would like an opportunity to respond to Mr. Miller's comments. He said maybe this should be elevated to a sub-committee to flesh out all of the details. Manager Herron said, not once has Administration impugned Mr. Miller's integrity, but he comes here tonight and impugns mine. Manager Herron said Administration is prepared to discuss this with Mr. Miller.

Council member Drake said this issue has been ongoing for a long time and no matter what Council does, no action can be taken tonight, as Council needs to fully listen to both sides and take into consideration the attorneys.

Council member Sanchez-Pobrislo said it angers her that Mr. Miller would come before Council and blame Administration and that the taxes owed are owed to the people of Bethel, not the City or Council. Council member Sanchez-Pobrislo said she agrees with Council member Drake.

Mr. Miller rebutted that it is a fact that his permit should never have been revoked and he lost work because of it.

Manager Herron said he appreciates the comments of the Council to meet with Mr. Miller this week to discuss this further. Manager Herron said the orders from Council have been consistent that Administration is to collect taxes. Manager Herron said in the spirit of cooperation, if Mr. Miller signs a promissory note to pay his owed taxes, his permit would be reinstated.

Discussion ensued. Council directed Administration to set up a special meeting with Mr. Miller to finalize this issue.

**Item C — Public Hearing — Ordinance #01-38: An ordinance amending Chapter 13.04 of the BMC to add a provision for sale of metered water in bulk quantities**

*Mayor Rodgers opened the public hearing. With no one to speak to this ordinance, Mayor Rodgers closed the public hearing.*

<b>MOVED BY:</b>	Drake	To adopt ordinance #01-38
<b>SECONDED BY:</b>	Pavil	

Council member Drake asked if the prices for sale of metered water in bulk would fall under the annual fee structure that will be reviewed during budget season. Manager Herron responded that it is based on the metered rate, so the metered rate will reflect in contracts.

<b>VOTE ON MOTION</b>	Motion carried by unanimous roll-call vote 6-0
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**Item D — Public Hearing — Ordinance #01-39: An ordinance authorizing the acquisition of land from Omni Enterprises, Inc.**

*Mayor Rodgers opened the public hearing. With no one to speak to this ordinance, Mayor Rodgers closed the public hearing.*

<b>MOVED BY:</b>	Drake	To adopt ordinance #01-39
<b>SECONDED BY:</b>	Short	

City manager Herron explained the ordinance gives administration the authority to purchase the land. He also explained the purchase is for 60,000 sq. ft. including the BUC building for a sale price of \$375,000.

<b>VOTE ON MOTION</b>	Motion carried by unanimous roll-call vote 6-0
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**Item E — Promulgation of Regulations: Public Safety and Transportation Commission**

Council member Drake explained this was postponed at the last meeting because it was felt more Council members were needed to make the decision of whether or not to raise cab fares. Council member Short said the industry has cooperated with the City's new regulations and explained the need for this increase. Manager Herron said Administration supports this increase.

<b>MOVED BY:</b>	Drake	To suspend the rules and allow for a public hearing.
<b>SECONDED BY:</b>	Sanchez-Pobrislo	

<b>VOTE ON MOTION</b>	Motion carried by unanimous roll-call vote 6-0
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*Yolanda Jorgenson, business owner, said she supports the cab business and thinks they do need an increase. Ms. Jorgenson gave an anecdote explaining she had to ride in cabs for a few days and she hates taking cabs. Ms. Jorgenson said the cab industry would get a lot better with customers once rates are increased. She also said she supports metered cab rates, as it is not fair to charge flat rates. She also said rates are supposed to be visible, but she was in a cab that did not have rates posted.*

*Jim Libby, Alaska Cab, said Anchorage has metered cabs and it takes up to 40 minutes to get a cab. Mr. Libby explained that cabs need to take as many people in a cab in one area for efficiency. He explained the cab industry needs this increase.*

<b>MOVED BY:</b>	Drake	To approve the PSTC's promulgation of regulations that includes cab fare increases as: FARE WITHIN THE CITY (Including Bethel Heights) \$ 4.00; FARE TO THE HOSPITAL \$ 4.00; FARE TO THE TRAILER COURT, HANGAR LAKE, & POWER PLANT \$ 4.00; FARE TO/FROM AIRPORT TO/FROM ALL LOCATIONS \$ 6.00; FARE TO B.I.A. AND TUNDRA RIDGE \$6.00; FARE TO KASAYULI SUBDIVISION \$10.00; CHARTER FARE PER HALF HOUR \$25.00; FARE AIRPORT TO AIRPORT \$4.00; EN ROUTE STOPS \$1.00 per minute
<b>SECONDED BY:</b>	Pavil	

Council member Short abstained from voting as he is too closely related to the cab industry. Council member Sanchez-Pobrislo asked for clarification as to who actually gets the extra money and asked for an average income of a cab driver. Council member Short replied the average income for a day is \$100 to \$200 and that the extra money will be used to offset higher costs. Council member Short said cab drivers work an average of 12 hours a day. Council discussed when increase should be effective. Discussion briefly ensued.

<b>VOTE ON MOTION</b>	Motion carried by voice vote 5-0 (Short abstained)
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<b>MOVED BY:</b>	Sanchez-Pobrislo	To rescind previous action
<b>SECONDED BY:</b>	Berger	

<b>VOTE ON MOTION</b>	Motion carried by voice vote 4-1 (Drake)
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<b>MOVED BY:</b>	Sanchez-Pobrislo	To amend the effective date of the increased cab rates to November 20, 2001 and adopt PSTC's Promulgation of Regulations increasing cab fares to fares noted in previous motion
<b>SECONDED BY:</b>	Berger	

Council briefly discussed allowing enough time to notify the public and ensure that cab fares are posted in each cab.

<b>VOTE ON MOTION</b>	Motion carried by voice vote 5-0 (Short abstained)
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**NEW BUSINESS**

**Item A — Introduction — Ordinance #01-41: An ordinance exempting the City's lease of wide area network equipment, LAN access and maintenance contract**

Council member Sanchez-Pobrislo explained she removed this item from the consent agenda because Council should discuss whether there's an opportunity for others to bid.

<b>MOVED BY:</b>	Drake	To introduce Ord. #01-41
<b>SECONDED BY:</b>	Sanchez-Pobrislo	

City manager Herron explained Council assigned a task force to review and assess the City's computers and technology needs. He said at that time, all potential bidders were invited to participate in the 5-6 month public process trying to put together a City computer/technology plan. Manager Herron said that United Utilities was the only company to participate.

Council member Berger asked if at the time of the task force, was costs discussed. Manager Herron explained United Utilities offered a free 6-month trial of the equipment and services. He said the decision he made was not to go through the bid process because this is the best deal for the City, as this lease will basically give the City new equipment—equipment that would cost the City \$60,000. Council member Drake said the figures in this lease is close to what the task force thought it would cost. Council member Drake also said, many people were invited to participate with the task force, but not many people stuck with it. Discussion briefly ensued.

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote
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**Item B — Introduction: Ordinance #01-42: Authorizing submittal of the Community Development Block Grant and certifying compliance with requirements for the purpose of funding a bus barn for the Senior Center**

*Ordinance #01-42 was introduced under the consent agenda and set for public hearing December 11, 2001.*

**Item C — Planning Commission Resolution #01-06: Recommending to the City Council the disposal by lease of a portion of "Datu Park" to the Kuskokwim 300 Race Committee**

City manager Herron explained the owner of the land has agreed to this resolution. Council member Drake said, as seen in the correspondence, this is something that has been thought out and is in Council's best interest to support. City manager Herron explained the layout and the process. He said there are some concerns that 2-story building will block the view. Discussion briefly ensued.

<b>MOVED BY:</b>	Drake	To approve Planning Commission Resolution #01-06 and directed Administration to prepare the necessary ordinance for the next Council meeting
<b>SECONDED BY:</b>	Sanchez-Pobrislo	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote
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**Item D — Introduction: Ordinance #01-44: An ordinance authorizing the acquisition of interest in land from various owners for utility easements**

*Ordinance #01-44 was introduced under the consent agenda and set for public hearing December 11, 2001.*

**Item E — Introduction — Ordinance #01-43: Authorizing the City Manager to enter into the attached MOA with Kreider Services and/or Kreider rentals to collect sewage and deliver water to certain properties in the City of Bethel.**

<b>MOVED BY:</b>	Berger	To introduce Ord. #01-43 and set public hearing for December 11, 2001
<b>SECONDED BY:</b>	Drake	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote
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**Item F — Orutsararmiut Native Council (ONC) Resolution #01-11-23: A resolution that promotes the health and safety of all villagers staying in the village/City of Bethel and requesting the City Council to take appropriate measures to achieve this goal**

City manager Herron explained that some businesses provide certain undesirable services and shared his concerns with Council. He also explained that he directed the Police and Fire department to inspect the property. He also said the City has done several surprise inspections over the last two weeks and explained the current situation.

City manager Herron said he appreciates ONC's resolution, but beyond implementing nuisance laws, Administration is trying to take care of the situation. He also said it is a responsibility of everyone.

Council member Sanchez-Pobrislo said she is favor of the intent of the resolution and read the resolution aloud.

Council member Drake said it is a good resolution and gave an anecdote of going into one of these establishments, which would be considered a flophouse. He said he doesn't know what Council can do but recommended Administration look at the economics of the situation. Council member Short said citizens should demand better conditions. He said he is disgusted at the condition of these establishments. Names of establishments were not identified. Council discussed anecdotes of these establishments and agreed with ONC.

Council member Pavil said she appreciates ONC's resolution, but said the City could be put in a liable situation if it starts taking responsibility. City manager Herron said the Fire Department is authorized to inspect at anytime and he explained the process. City manager Herron explained the nuisance law and said perhaps Council should lobby the legislature to allow a 2<sup>nd</sup> Class City to implement nuisance laws. Council member Drake suggested Administration actually draft the legislation and provide it to Rep. Kapsner and Sen. Hoffman to pass on to the legislature. Council agreed.

**COUNCIL MEMBER COMMENTS**

**Council Member Berger** commented on the continued high cost of fuel and oil. He said he paid almost \$450 to refuel and asked how much this has to do with a fuel monopoly in Bethel.

City manager Herron said Mr. Shelver, Yukon Fuel, visted and promised to attend another Council meeting after the last shipment. Manager Herron said, as reported, Mr. Shelver is no longer president of Yukon Fuel. He said once a new representative is established he would invite that person to meet with Council.

**Council Member Sanchez-Pobrislo** wished Kathy and Kenny a happy birthday. She also said God Bless to all of the veterans and men and women overseas.

**Council Member Drake** said thank a veteran if you care about your freedom.

**Council Member Rodgers** thanked all of the veterans.

**Council Member Notti** — *was not present*

**Council Member Pavil** thanked the community for its support with her mother passing away.

**Council Member Short, Jr.** said prayers go out to New York City, as they've had a hard time.

## EXECUTIVE SESSION

<b>MOVED BY:</b>	Sanchez-Pobrislo	To go into executive session to discuss A: Follow-up on legal matters/tasks assigned to the City Manager
<b>SECONDED BY:</b>	Drake	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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*Council came out of executive session.*

<b>MOVED BY:</b>	Drake	To direct the City Manager to investigate the five points outlined in Executive Session
<b>SECONDED BY:</b>	Sanchez-Pobrislo	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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## ADJOURNMENT

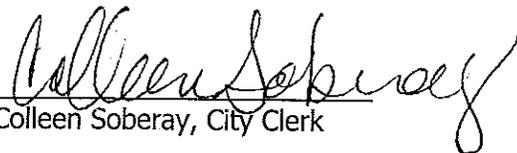
<b>MOVED BY:</b>	Sanchez-Pobrislo	To adjourn the meeting.
<b>SECONDED BY:</b>	Short	

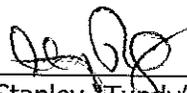
<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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With no further business before the Council, the meeting adjourned at 9:55 p.m.

**APPROVED THIS 13<sup>th</sup> DAY OF NOVEMBER 2001.**

ATTEST:

  
Colleen Soberay, City Clerk

  
Stanley "Tundy" Rodgers, Mayor