

City of Bethel, Alaska

City Council Minutes

May 25, 2004

Special Meeting

Bethel, Alaska

CALL TO ORDER

A special meeting of the Bethel City Council was held on May 25, 2004 at 5:30 p.m. in the Council Chambers, Bethel, Alaska.

Vice-Mayor Williams called the meeting to order at 5:30 p.m.

ROLL CALL

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

R. Thor Williams	Michael O'Brien
Dave Trantham	Hugh Dymont
Andrei Jacobs	

Excused absence(s): Hugh Short Jr., Stanley "Tundy" Rodgers

Unexcused absence(s):

Also in attendance were the following:

Bob Herron, City Manager
Amanda Byington, City Clerk

PEOPLE TO BE HEARD

No People to be heard

MOVED BY:	O'Brien	To adjourn in to Executive Session for the purpose of a conflict of interest issues in regards to the TACAN litigation and for the purpose of privileged and confidential attorney client communication concerning the site.
SECONDED BY:	Jacobs	

MOVED BY:	Dymont	To adjourn to Executive Session a)to receive legal advice from the City Attorney regarding the merits of the claims and defenses and litigation strategy concerning the TACAN Litigation, to discuss a confidential memorandum of advice from the City Attorney about the TACAN Litigation that was issued on April 27, 2004, and to seek advice from and provide direction to the City Attorney regarding the TACAN Litigation and b)to receive legal advice from and discuss legal strategy with the City Attorney regarding the Alaska Attorney General's investigation of the Crowley/Yukon Fuel merger and litigation related to the merger, to seek advice from and provide direction to the City Attorney regarding whether to seek and hire an expert, and to discuss confidential memorandum of advice from the City Attorney about the above topics.
SECONDED BY:	Jacobs	

VOTE ON MOTION	Amendment to motion passes unanimously
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VOTE ON MOTION	Motion passes unanimously
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City Council went into Executive Session at 5:37 pm.
City Council came out of Executive Session at 6:43 pm.

City of Bethel, Alaska

City Council Minutes

May 25, 2004

Regular Meeting

Bethel, Alaska

A regular meeting of the Bethel City Council was held on May 25, 2004 at 6:30 p.m. in the Council Chambers, Bethel, Alaska.

Vice-Mayor Williams called the meeting to order at 6:45 p.m.

ROLL CALL

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

R. Thor Williams	Michael O'Brien
Dave Trantham	Hugh Dymont
Andrei Jacobs	Stanley "Tundy" Rodgers

Excused absence(s): Hugh Short Jr.

Unexcused absence(s):

Also in attendance were the following:

Bob Herron, City Manager
Amanda Byington, City Clerk

PEOPLE TO BE HEARD

John Bāiamonte - Ordinance #04-08

- He introduced Dick Hall and Jody Malus who are the potential buyers of the home
- He gave a background of his life in Bethel and of buying a home in Bethel

Council member O'Brien commented that Mr. Bāiamonte came to his home last night to discuss this issue and thank him for doing so.

Jody Malus – Ordinance #04-08

- She spoke about what a pleasure it has been for her to be in Bethel
- She stated that her interest rate keeps going up while she is trying to be patient to allow this issue to be settled.
- She encouraged the Council to pass the Ordinance as quickly as possible.

Eric Middlebrook

- He gave suggestions for new revenue for the City of Bethel.
- He also voiced his dissatisfaction with the water and sewer rate increase.
- He wants the Council not to change anything with the way liquor is handled in Bethel.

Willy Keppel

- He gave suggestions for increasing the city revenue
- He stated that the citizens should not be responsible for the deficit due to abuse of certain privileges with in the city
- He also voiced his concern about the amount of depreciation predicted in the budget being wrong.
- He then spoke about personnel cut within the City to save the salaries.

Teens Acting Against Violence

- Gave a presentation to Council about who they are and what they do.
- They then asked for donations to help them achieve their goal of one more member being allowed to attend the yearly function.

Vice-Mayor Williams explained to them that the council will keep them in mind but it would be after the budget process. Since the Art Club came a month ago, they will be given their donation request. Then the TAAV would be considered for their request if it could be done with the budget.

APPROVAL OF MINUTES

MOVED BY:	Jacobs	To approve the minutes for the April 21, 2004
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion passes unanimously
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APPROVAL OF MINUTES

MOVED BY:	O'Brien	To approve the minutes from the May 11, 2004 as amended
SECONDED BY:	Rodgers	

Amendments: Rodgers-motion to go past 10 was seconded by Dymont; Rodgers-teleconference broken at 7:35 pm.; Williams-add Rodgers to the Roll Call;

MOVED BY:	Jacobs	To reserve the minutes from the May 11, 2004 meeting to the next City Council meeting
SECONDED BY:	Dymont	

MOVED BY:	Dymont	To give a verbatim account of the discussion between Vice-Mayor Williams and Helen Bush from the May 11, 2004 City Council meeting
SECONDED BY:	Jacobs	

VOTE ON MOTION	2 nd Amendment to the motion passes unanimously
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VOTE ON MOTION	1 st Amendment to motion passes unanimously
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VOTE ON MOTION	Main motion passes unanimously
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APPROVAL OF CONSENT AND REGULAR AGENDA

MOVED BY:	Jacobs	To approve the consent agenda and regular agenda as amended
SECONDED BY:	O'Brien	

Trantham-Remove A and B Unfinished Business; remove A, B, C, and E from New Business.

Rodgers-Remove Item D from New Business

Jacobs-Remove Executive Session A

Dymont-Remove Executive Session B

VOTE ON MOTION	Motion passes 4-2 (Jacobs, Dymont)
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MAYOR'S REPORT

Mayor Short's report included the following:

- Letter from Edward Ephampka regarding four wheelers in the community and their accessibility to the roads. Council member Dymont requested this letter to be forwarded to the Public Safety and Transportation Committee and the Planning Commission. Council Member Rodgers suggested that the police take back the ticket Mr. Ephampka received since he was doing what the Council said; he was on the shoulder of the road. City Manager Herron suggested that before any Council action the Council should give a chance for Police Chief Morris to review the issue and give a report back to Council. He could also present the issue to the June 7 Public Safety and Transportation Committee and the Planning Commission next meeting.
- Update from Governor Murkowski
- Thanks to the Council from the Girl Scouts for use of the Log Cabin for meetings

Vice-Mayor Williams asked the City Clerk if letter have been mailed to the villages who were concerned about an alcohol delivery site in Bethel. City Clerk responded no, it will be done this week.

MANAGEMENT TEAM'S REPORT

City Manager Herron's report included the following:

- Grant Development Manger Report
- KNA Opinion Paper
- Senate Bill 170
- Senate Bill 65
- Lobbyist Report
- Truck-Haul privatization Feasibility Study
- Personnel Matters
- City Manager Travel Status
- Council decided to hold Town meeting on June 2 at the Log Cabin at 6:30 pm.

REPORTS OF STANDING COMMITTEES

Senior Advisory Board – Council Member Trantham reported that the seniors had a fundraiser, raising over \$1045.00. He thanked the three staff members for helping out. He also announced that the Senior Advisory Board has now adjourned for the summer and will reconvene in September.

Parks and Recreation Committee - Council member Jacobs reported that the committee has not met since the last Council meeting. The next meeting is scheduled for June 15, 2004.

Planning Commission – Council Member Rodgers reported that they had no quorum at he last regularly scheduled meeting. He referred to the Port Directors report in the manager's packet. The next meeting is scheduled for June 10, 2004

Port Commission – Vice-Mayor Williams reported the commission will meet tomorrow.

Public Works Committee –Council Member O'Brien reported that no meeting has been held since the last council meeting.

Public Safety and Transportation Commission – Council Member Dymont reported that the next meeting will be June 7, 2004

Finance Committee – Mayor Short absent-no report

UNFINISHED BUSINESS

Item A – Resolution #04-12: A resolution of the Bethel City Council to accept the Kasayuli Subdivision Water and Sewer Feasibility Study dated April 2004 as presented by CRW Engineering Group, LLC. This document contains recommendations for the phased construction of water and sewer improvements for the Kasayuli Subdivision and is needed to request Sanitation Deficiency Funds for the proposed improvements

Council Member Trantham requested that an update be given from the Planning and the Public Works Committees. He then recommended that a whereas be added to see the attached letter from Public Works.

MOVED BY:	Jacobs	To approve Resolution #04-12 as amended by inserting sections 1,2,3 and 4 from the letter dated May 19 from the Chairman of the Public Works Committee into the resolution
SECONDED BY:	Dyment	

***Council Member Rodgers:** wants to see pump house immediate, with the way the study has it now it will be five years away, which will put a great strain on the resources of Public Works.*

***Council Member O'Brien:** spoke about that issue being a topic of discussion at the Public Works meeting, but they came to the decision that they didn't want to put this on the back burner just for that reason. We need to do something now, and the funding window is finite and we should nit-pick this, we need to approve this.*

***Council Member Dyment:** concurs with O'Brien it will bring two million a year, although there is no timeline on this but it has went through the proper committees, and he feels fine with that.*

***Council Member Trantham:** we have approval from the Public Works Committee and the Planning Commission he suggests we go ahead with the acceptance of the resolution.*

***Vice-Mayor Williams:** agreed with Rodgers about having the water treatment facility up first being the best for the community. He feels that with a facility closer to Larson and Kasayuli that it would benefit by taking off some strain of having to drive so far and beating up the trucks on those roads.*

VOTE ON MOTION	Motion passes unanimously
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Item B –Introduction of Ordinance #04-06: An ordinance repealing ordinance #04-03 regarding amendments to sections 13.12.010, 13.12.160, 13.12.280, and 13.16.010 of the Bethel Municipal Code concerning solid waste collection and disposal

MOVED BY:	O'Brien	To introduce Ordinance #04-06: An ordinance repealing ordinance #04-03 regarding amendments to sections 13.12.010, 13.12.160, 13.12.280, and 13.16.010 of the Bethel Municipal Code concerning solid waste collection and disposal
SECONDED BY:	Jacobs	

MOVED BY:	Dyment	To not strike out Restaurants in section G of the ordinance
SECONDED BY:	Rodgers	

VOTE ON MOTION	Amendment to motion passes unanimously
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***Council Member Jacobs** suggest that we keep the Ordinance as 04-03 and just amend that ordinance.*

***City manager Herron** suggested that he speak with the attorney to find out why this is so technical. He also suggestion the referral to the Public Works and Finance Committees.*

***Vice-Mayor Williams** suggested that Public Works see this Ordinance as well as Ordinance 04-03 as come back to Council with a recommendation.*

MOVED BY:	O'Brien	To send this Ordinance 04-06 to the Public Works Committee for recommendation
SECONDED BY:	Jacobs	

***Council Member Dyment** wants the Public Works Committee to see Ordinance 04-06*

VOTE ON MOTION	Amendment to motion passes unanimously
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VOTE ON MOTION	Moved to Public Works for comment.
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Item C – Discussion Item: Sales Tax Audit – Williams

Rob Strahan reported that roughly 100 business will be audited. Altman & Rodgers will be her on June 7 and will finish on July 2 or soon depending on how much money is left.

Council Member Trantham has the list been prepared and is it public? Strahan said yes the list is prepared, and if Council wants, it could be made public. City Manager Herron recommended that the list not be made public to protect the privacy of individual small business owners and will make all business prepare for the audit therefore keeping their books clean.

Council Member O’Brien agrees with the City Manager that the list should not be made public, the list will be out soon enough, but there is no need to release the name yet.

Vice-Mayor Williams thanked the Finance Director for all the hard work to prepare for this audit. He said he has been real intense about it, and he accepts the professionalism he was shown.

NEW BUSINESS

Item A – Introduction Ordinance #03-08 (E): An ordinance of the Bethel City Council amending the adopted annual FY 2003-2004 budget

MOVED BY:	Dyment	To Introduce Ordinance #03-08 (E): An ordinance of the Bethel City Council amending the adopted annual FY 2003-2004 budget
SECONDED BY:	O’Brien	

MOVED BY:	O’Brien	To set Public Hearing for June 8
SECONDED BY:	Jacobs	

VOTE ON MOTION	Amendment to motion passes unanimously
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Vice-Mayor Williams: this is just monies form salaries to provide services without a dip into the General Fund.

VOTE ON MOTION	Motion passes unanimously
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Item B –Introduction of Ordinance #04-07: An ordinance amending sections 2.04.101, 2.52.130 and 2.24.050 of the Bethel Municipal Code regarding procedure for postponing and rescheduling meeting of the City Council, Boards, Committees, and Commissions

MOVED BY:	Jacobs	To Introduce Ordinance #04-07: An ordinance amending sections 2.04.101, 2.52.130 and 2.24.050 of the Bethel Municipal Code regarding procedure for postponing and rescheduling meeting of the City Council, Boards, Committees, and Commissions and to set Public Hearing on June 8.
SECONDED BY:	O’Brien	

Council Member Rodgers not comfortable with this ordinance, if they authority to reschedule or postpone as they see fit, than they may never meet. Suggests not to approve and to leave the law the way it is. Have the City Manger to introduce the Ordinance.

City Manger Herron suggests introduction of the ordinance and he will present a memorandum with a recommendation of how to proceed.

MOVED BY:	Rodgers	To include the memo from the City Manager concerning the responsibilities of the committees
SECONDED BY:	Dyment	

VOTE ON MOTION	Amendment to motion passes unanimously
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VOTE ON MOTION	Motion passes unanimously
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10 Minute Break

Item C – Introduction of Ordinance #04-08: An ordinance amending the Bethel Municipal Code section 18.80.050 entitled “conversion of nonconformity” to add a procedure for an owner to apply for a permit allowing certain nonconforming structures to remain in nonconforming status

MOVED BY:	Trantham	To Introduce Ordinance #04-08: An ordinance amending the Bethel Municipal Code section 18.80.050 entitled “conversion of non-conformity” to add a procedure for an owner to apply for a permit allowing certain nonconforming structures to remain in nonconforming status and set the Public Hearing for June 8
SECONDED BY:	O’Brien	

MOVED BY:	O’Brien	To introduce Ordinance #04-08 tonight, set Public Hearing #1 for June 8, refer to the Planning and Public Works committees for review and set Public Hearing #2 on June 22 with possible passage of the Ordinance.
SECONDED BY:	Rodgers	

Consensus given to attach Mr. Baiamonte packet to the committees for their review.

VOTE ON MOTION	Amendment to motion passes unanimously
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VOTE ON MOTION	Motion passes unanimously
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Item D - Introduction of Ordinance #04-10: An ordinance increasing the rate/fees charged for City of Bethel Water and Sewer services

City Manger Herron suggested a change to the introduction form the Finance Committee to the City Council due to changes that have already taken place. Consensus to change to City Council

MOVED BY:	O’Brien	To introduce Ordinance #04-10: An ordinance increasing the rate/fees charged for City of Bethel Water and Sewer services
SECONDED BY:	Trantham	

Trantham requested two Public Hearings.

Jacobs Requested the June 8 and the June 22 meetings

O’Brien requested to refer the ordinance to the Public Works Committee

MOVED BY:	Jacobs	To set the Public Hearings for June 8 and June 22 and refer the ordinance to the Public Works Committee and the Finance Committee for review
SECONDED BY:	O’Brien	

VOTE ON MOTION	Amendment to motion passes unanimously
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VOTE ON MOTION	Motion passes unanimously
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Item E - Introduction of Ordinance #04-09: An Ordinance establishing a City of Bethel budget for FY 2004-2005 beginning July 1, 2004

MOVED BY:	O'Brien	To Introduce Ordinance #04-09: An Ordinance establishing a City of Bethel budget for FY 2004-2005 beginning July 1, 2004
SECONDED BY:	Jacobs	

Council Member Trantham recommended Public Hearings to be set for June 8 and a Special Meeting to be set for June 14. Does not want the Town Meeting included in the Public Hearings. He does suggest that the Town Meeting will give three opportunities to speak on the budget.

Vice-Mayor Williams reminded everyone of the Town Meeting on the budget on June 2. Could we include this as a public testimony option?

MOVED BY:	Dyment	To hold June 8 and June 10 to be the Public Hearing on this ordinance with possible passage on the 10 th of June. To be held in Council Chambers at 6:30 pm.
SECONDED BY:	Jacobs	

VOTE ON MOTION	Amendment to motion passes unanimously
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VOTE ON MOTION	Motion passes unanimously
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Council Member Comments

Council Member Rodgers gave detail on the meeting about Area M and what other communities are doing around the area. The meeting was on the radio this morning. Call the legislature and tell them not to do this. Go hug an elder.

Council Member Trantham thanked the Fire Department and all staff that have contributed to the writing of Grants. He commented about a request he made to the City Clerk which has been responded to yet. He also spoke about problems with airport security, and stated that he will not travel for a while.

Council Member O'Brien commented about making decisions based on comments that are received from the community. He encouraged more people to come and give their opinions; he needs as many as possible to make the right decisions.

Council Member Jacobs thanked the ONC council and observers for attending the Joint Task Force meeting yesterday. He made comments about coming up with a Welcome to Bethel sign. He also gave thanks to the TAAV for coming tonight.

Council Member Dyment agreed that the Joint Task Force meeting went very well yesterday. He also thanked the Fire Department for prompt attention to the fire at the trailer court and he announced that the Public Works water truck drivers helped as well. They heard the call over their radios and showed up with trucks full of water. He also thanked them for taking care of the awful job of cleaning up honey buckets.

Vice-Mayor Williams thanked families for putting up with all the meeting lately. He thanked ONC as well and hopes the meetings continue on a positive note. He then asked the City Clerk to add Dario Notti issues to the next regular City Council agenda.

MOVED BY:	O'Brien	To adjourn the meeting at 10:00 pm.
SECONDED BY:	Jacobs	

VOTE ON MOTION	Motion passes unanimously
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APPROVED THIS 8th day of June 2004.

ATTEST:

Hugh Short, Jr., Mayor

Amanda Byington, City Clerk