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CITY COUNCIL MINUTES
SEPTEMBER 22, 1992

- CALL TO ORDER** Mayor Feaster called the regular Council meeting of September 22, 1992, to order at 7:30 PM.
- ROLL CALL** Present: Dale, Feaster, Richardson, Vanasse, Wallace, Warner, Wintersteen
- APPROVAL/MINUTES** M/M by Warner, 2nd by Vanasse to approve the minutes of the September 8, 1992, regular Council meeting as amended: Page 2, paragraph 5, change "low" to "high"; page 7, paragraph 9, should read conflict "of" interest; page 12, first paragraph, change "low" to "high". Voice vote. Motion carried unanimously.
- APPROVAL/AGENDA** M/M by Warner, 2nd by Richardson to amend the agenda by expanding Item D under New Business to include Resolution #717. Voice vote. Motion carried unanimously.
- MAYOR'S REPORT** Mayor Feaster scheduled a special meeting of the Council for October 8, 1992, 7:30 PM, to canvass and certify the October 6, 1992, municipal election.
- MANAGER'S REPORT** City Manager Hohman reviewed his written Manager's report with Council on the following items:
- Late filing of the Lobbyist's report to the APOC.
 - EPA visit to Bethel anticipated for September 24.
 - Sewer Lagoon: discussion with Steve Eng regarding deferring construction for a year; BNC transfer of 263 acres to the City and proposed Resolution #717; team of archaeologists to examine construction site for possible conflicts with archeological sites.
- CITY MANAGER'S REPORT--ADDENDUM
- Sewer Lagoon Project: invite BNC to Council meeting; BIA land appraiser not available for 30-60 days for appraisal of the properties; handouts relating to equipment needs for the project and the lease arrangement for the Hitachi excavator.
 - Announced receipt of settlement check in the amount of \$72,113 in the case of Bethel vs.

ARI.

--Consultant list submitted by Major Godfrey in reference to the Bethel Police Department citizen complaints.

--Proposed lease with Pacifica Institute for lease of city property.

Council discussed the manner in which the complaints against the Bethel Police Department were handled by Administration. Considering the sensitivity of the subject and the fact that this was an area that could be potentially disruptive, Mayor Feaster and Councilman Warner stated that they felt they should have been informed of the situation and kept apprised of any ongoing discussions. In response, City Manager pointed out that he had advised the Council representative on the Public Safety Committee of the situation and that he had talked informally with three or four members of Council.

Council next addressed the quote submitted by Rollins, Burdick and Hunter for the purchase of Marina Operators liability insurance for the Small Boat Harbor. Following a brief discussion, Council requested the Finance Director obtain more detailed information on the coverage, specifically, a comparison of the recommended policy to the coverage under the current general liability policy. The Finance Director indicated he could obtain a 30 day extension on the quote to November 11. Councilman Wintersteen also suggested that the Finance Director determine if other ports in Alaska carry this type of coverage, as a general practice.

**COUNCIL MEMBER
COMMENTS**

Councilman Dale thanked the City Manager for his efforts in managing the citizen complaints against the Police Department. Councilman Dale also pointed out that vandalism at the City Dock appeared to be increasing and suggested that the City should consider a means of monitoring the dock.

In response to Councilman Dale's concern about the dock, Councilman Wintersteen reported that a special meeting of the Port Commission was scheduled for September 23 at 6:00 PM to deal

with the issue of port security.

Councilwoman Richardson recommended that at the next budget hearing the Council review the request from Chief Liu for additional funding for training. Mrs. Richardson spoke in favor of providing the additional support for training particularly in light of the current situation concerning the Police Department.

Councilman Warner pointed out that the financial report for the period ending August 1992 indicates that over 50% of the overtime budget for Streets and Roads had been expended and asked how Administration planned to cover overtime expenditures during the upcoming winter. City Manager Hohman responded by stating that there has been a demand on the overtime category in the budget, basically due to the Xroad construction project and the sanitary landfill problem which required additional manpower to meet the needs of the City. Mr. Hohman further indicated that he would address the budget situation.

In response to Councilman Warner's question about the status of the Tidelands lease survey, City Manager Hohman stated that he had alerted the Planning Manager to be prepared to present a report on the matter. However, the Planning Manager had been ill for several days, therefore, a report was not available.

For the record, Councilman Warner stated that he disagreed with Councilman Dale's statement about being made aware of the situation concerning the Police Department, pointing out that he had not been informed at all except through the news media. In response, Councilman Dale stated that he had not been informed.

In response to a question from Mayor Feaster regarding Planning Department staffing, City Manager Hohman informed Council that Al Bianchi was temporarily filling the position held by Bill Lang who was on leave and also covering the work in the Planning Department while the Planning Manager was on vacation.

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Regarding the police issue, Councilman Vanasse informed Council that he was disappointed that he had not been advised of the situation. In addition, Councilman Vanasse expressed his dissatisfaction with the progress of the Tidelands lease survey project and recommended that Council give direction to Administration to get the project completed.

motion

M/M by Vanasse, 2nd by Warner that the Tidelands Lease Survey Lease Agreement with the State of Alaska be presented to Council in completed form within 60 days of today's date (September 22, 1992). Poll vote. Motion carried. 4- yes; 3-no (Dale, Richardson, Wallace).

In response to the motion, Councilman Dale and Councilwoman Richardson stated that they felt it was not reasonable to request the State of Alaska to respond to a deadline date imposed by the City Council. Mrs. Richardson stated, however, that she would support a request that a written report on the status of the lease survey be presented to Council at its next meeting. Councilman Warner pointed out that it was the City of Bethel that was responsible for the delay in not completing the project not the State of Alaska; since the survey has been completed, all that is needed at this point is to negotiate the lease agreement.

**REPORTS OF STANDING
COMMITTEES**

Mayor Feaster reported that the Finance Committee met on September 17, 1992, but did not have a quorum. Some discussion was held by those in attendance, but no action could be taken without a quorum.

Councilman Warner reported that the Public Works Committee met on September 15, 1992, also without a quorum. General discussion about the Ptarmigan Road project and other street and road projects was held; no action taken because of lack of a quorum. Mr. Warner stated that there were only five members serving on the Committee which made it difficult to obtain a quorum.

Councilwoman Richardson reported that the

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Public Safety Committee attempted to meet on September 16, 1992; however, only she and Chief Liu were in attendance.

Councilman Wintersteen reported that the Port Commission met on September 21, 1992. After completing the revision of Title 14, the Commission is updating the Terminal Tariff document. The Commission discussed the problem of vandalism at the dock and scheduled a special meeting September 23 to determine how to resolve the problem.

PEOPLE TO BE HEARD

Dave Trantham discussed the action taken by the City Council to appropriate funds for the development of a business plan relative to the possible purchase and subsequent management by the City of the Bethel Utilities Corporation. Pointing out that the citizens of Bethel would be going to the polls on October 6 to vote on the advisory question concerning the purchase of the utility, Mr. Trantham asked when the people would be able to examine the business plan so that they would be able to make an informed decision about the purchase. In response, City Manager Hohman informed Mr. Trantham that Administration had been unsuccessful in finding an individual or organization to contract with for developing the plan. Because the plan was not available, Mr. Trantham stated that he felt the Council as a whole had failed the community.

Regarding the election, Councilman Warner suggested that the wording on the ballots instructing voters on how to vote for the candidates be revised in such a way as to make it clearer to the voters what their options were in selecting the candidates. The City Clerk stated that she would make the change.

Council broke at 8:30 PM for a short recess. At 8:40 PM, Mayor Feaster called the meeting back to order.

OLD BUSINESS:

**Item A--Disposal
of Museum**

DISPOSAL OF YUGTARVIK REGIONAL MUSEUM

Discussion was held concerning the disposal of the Yugtarvik Museum. It was decided that

further discussion of disposal of the building would be discussed during consideration of the Pacifica Institute and City of Bethel lease scheduled under New Business, Item E.

NEW BUSINESS:

Item A-Res. #713

RESOLUTION #713--STATE MUNICIPAL GRANT FOR GRAVEL

Finance Director, Larry Elam, explained that the grant is a state appropriation in the amount of \$160,000 for the purpose of obtaining gravel for road construction and gravel stockpile. Council approval of Resolution #713 is required in order to receive the state appropriation.

motion

M/M by Vanasse, 2nd by Wintersteen to adopt Resolution #713 accepting the state appropriation of \$160,000 for gravel. Poll vote. Motion carried unanimously. 7-yes.

Item B-Res. #714

APPOINTMENT OF ELECTION JUDGES FOR MUNICIPAL GENERAL ELECTION.

motion

M/M by Warner, 2nd by Richardson to adopt Resolution #714 appointing election judges for the City of Bethel's municipal general election. Poll vote. Motion carried unanimously. 7-yes.

Item C-Res. #715
& #716

RESOLUTIONS #715 AND 716--REQUEST FOR CAPITAL FUNDING THROUGH VILLAGE SAFE WATER PROGRAM

City Manager Hohman gave the following breakdown of the two resolutions:

1) Resolution #715 in the amount of \$1,850,000 seeks funding for the sewer lagoon expansion to the west.

2) Resolution #716 in the amount of \$800,000 consists of water projects for Tundra Ridge auxiliary water source, Blueberry/Nunvak Estates, and the Downtown auxiliary water source.

motion

M/M by Warner, 2nd by Richardson to adopt Resolution #715 requesting capital funding through the Village Safe Water Program in the

amount of \$1,850,000 for the sewer lagoon project. Poll vote. Motion carried unanimously. 7- yes.

motion

M/M by Wintersteen, 2nd by Richardson to adopt Resolution #716 requesting capital funding through the Village Safe Water Program in the amount of \$800,000 for design and building of water projects. Poll vote. Motion carried unanimously. 7-yes.

Item D-Sewer Lagoon

SEWER LAGOON: LAND; EQUIPMENT NEEDS

City Manager Hohman informed Council that BNC had met on September 17, 1992, and reviewed the City's request for land under the 14(c)(3) entitlement. Mr. Hohman referred Council to the letter from Mr. Bivin, President of BNC, confirming the commitment to transfer 263 acres of land to the City and to his letter responding to Mr. Bivin. (Copies of these letters are attached as part of the official minutes). Council then discussed what the possibility was for obtaining the less expensive land to the north from the native allotment holders in addition to the land transferred by BNC. Before dealing with the land issues as outlined in Resolution #717, Mayor Feaster stated that Council should first provide a clear indication of which direction the City was to proceed to expand the sewer lagoon project.

motion

M/M by Warner, 2nd by Vanasse that Council declare its intent to expand the sewer lagoon to the west in the 263 acre parcel that has been conveyed to the City by BNC. Poll vote. Motion carried. 6-yes; 1-abstention because of possible conflict of interest (Richardson).

Following the vote, City Manager Hohman asked if the City should "cease and desist any attempt to negotiate with the native allotment holders." In response, Mayor Feaster stated that the land was going to be desirable for future expansion in 5-10 years, but for now the City doesn't have anything to trade. The Mayor recommended taking action on Resolution #717 first and indicated following that there

may be potential for a land trade.

Councilwoman Richardson clarified BNC's position by stating that BNC was reluctant to make a commitment on the additional parcels of land requested by the City until the City can specifically indicate its intentions for use of the land. In addition, resolutions identifying the individual allotment holder and the land to be exchanged should be approved by the Council for presentation to BNC. Concerning proposed Resolution #717, Mrs. Richardson indicated that as presented, it was premature. Based on the recommendations from BNC, Council then reviewed and revised Resolution #717.

motion

M/M by Warner, 2nd by Vanasse to approve Resolution #717 with the following changes: Delete all references to T8N R71W land description and add the following statement "Whereas, the City will pay for all costs associated with the transfer of the 263 acres, including, but not limited to, an appraisal by an approved appraiser, all surveying costs, title, reports, etc." Poll vote. Motion carried. 6-yes; 1 abstention (Richardson due to a possible conflict of interest). A copy of the revised Resolution #717 is attached as part of these official minutes.

Council next addressed equipment needs for the sewer lagoon project. City Manager Hohman referred Council to the Declaration of Emergency issued by him which authorized the emergency procurement of a Hitachi Model EX 700 hydraulic excavator. A copy of the declaration is attached as part of these official minutes. Mr. Hohman stated that he had entered into a lease agreement with Construction Machinery, Inc. in the amount of \$18,500 per month for a minimum six month period and further acknowledged that he had done so without the approval of the City Council. City Manager Hohman further pointed out that the lease could be converted into a purchase arrangement should the Council approve purchase of the equipment.

Mayor Feaster and Councilmen Warner,

Wintersteen and Vanasse each expressed considerable dissatisfaction with the City Manager because he had committed the City to a lease agreement without the approval of the City Council, a violation of the City's purchasing ordinance. It was pointed out that a special meeting of the Council could have been called by the City Manager to include the Council in the decision-making process for the procurement of the equipment. A lengthy discussion regarding the need for the equipment, the reason the Hitachi model was chosen and the method in which it was procured followed.

motion During the discussion, motion was made by Richardson, seconded by Vanasse to continue meeting past 10:00 PM. Motion carried unanimously.

motion M/M by Dale, 2nd by Richardson to ratify the City Manager's action under 4.20.040 of the Bethel Municipal Code for lease of the Hitachi EX 700 from Construction Machinery. Poll vote. Motion carried. 5-yes; 2-no (Feaster, Vanasse).

Council broke at 10:30 PM for a short recess. At 10:35 PM, Mayor Feaster called the meeting back to order.

**Item E-Lease
with Pacifica**

**LEASE WITH PACIFICA INSTITUTE FOR BUS BARN AND
BOJANGLES BUILDINGS.**

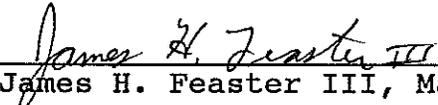
Council next reviewed the proposed Lease Agreement between the City of Bethel and Pacifica Institute for lease of the Bus Barn, Bojangles and other buildings belonging to the City. It was the general consensus among the Council that the "other buildings" referred to in the lease agreement should not be considered a part of the agreement between Pacifica Institute and the City as Pacifica had not submitted bids for these other properties. Council discussed and recommended revisions to the lease and asked that it be revised accordingly, presented to Pacifica Institute for its review and then resubmitted for Council action.

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motion M/M by Vanasse, 2nd by Warner to table further discussion of the lease agreement between the City of Bethel and Pacifica Institute until the next regular scheduled meeting of October 13, 1992, at which time a revised lease would be presented. Voice vote. Motion carried unanimously.

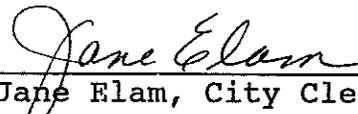
motion M/M by Dale, 2nd by Vanasse to adjourn. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 20th DAY OF October, 1992.



James H. Feaster III, Mayor

ATTEST:



Jane Elam, City Clerk