

I. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on October 10, 2017 at 6:30 p.m., in the council chambers, Bethel, Alaska.

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

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Comprising a quorum of the Council, the following members were present:	
Mayor Rick Robb	Council Member Mark Springer (arrived after roll call)
Vice-Mayor Fred Watson	Council Member Leif Albertson
Council Member Naim Shabani	Council Member Michael Shantz
Members Absent:	
Council Member Alisha Welch	
Also in attendance were the following:	
City Manager Pete Williams (Telephonically)	City Clerk Lori Strickler
City Attorney Patty Burley	

IV. PEOPLE TO BE HEARD

Susan Nezda- School Counselor at BRHS, requested the Council’s participation at a school event Thursday night to help encourage the youth of our community to stay in school and progress towards graduation.

Council Member Springer arrived at 6:32p.m.

Mary Nanuwak- Questioned a statement made by a council member and stated concerns that all cab drivers are bootlegging in our community. Continued to address the council regarding the issues arising from the use of alcohol in our community.

Michelle DeWitt- Provided an update on the art selection process for the YK Fitness Center to the City Council.

David Trantham – Informed the Council that the gravel that is being placed on the roadways is being pushed to the side of the road, the Council should consider pulling the gravel out of the ditches and put it back on the road. Thanked the Council Members for their service to the community.

V. APPROVAL OF THE CONSENT AND REGULAR AGENDA

Main Motion: Approve the Consent and Regular Agenda.

Moved by:	Springer
Seconded by:	Albertson
Action:	Motion carries by a vote of 6-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Watson <input checked="" type="checkbox"/> Springer <input checked="" type="checkbox"/> Shabani <input checked="" type="checkbox"/> Shantz
Opposed:	-0

Removal from

Consent: Remove Ordinance 17-45 from the consent agenda.

Moved by: | Robb

VI. APPROVAL OF THE MEETING MINUTES

Item A – 9-26-2017.

Passed on the Consent Agenda

VII. REPORTS OF STANDING COMMITTEES

Public Safety and Transportation Commission-

The Commission has one vacancy, those interested should contact the City Clerk's Office.

Port Commission-

No one available to provide a report.

Planning Commission-

The Planning Commission will hold a meeting on October 12th to consider the Conditional Use License for Northwest Company's Alcohol Beverage Control Board Package Store License.

Parks, Recreation, Aquatic Health and Safety Center Committee-

Considered privatizing parks and recreation services for the City. The committee has worked up a plan to include financing and structure of the program.

A Kasayuli Park Development meeting was held a week ago to have a community review of the potential locations in the subdivision. The Committee will be providing a

recommendation that the two designated properties are again designated as Park Development property.

The Committee will be putting an Action Memorandum together for the Council's consideration to procure necessary equipment to repair some of the fixtures in the pool area.

Finance Committee-

A meeting has not been held since the last City Council Meeting.

Energy Committee-

Nothing to report.

Public Works Committee-

Nothing to report.

VIII. SPECIAL ORDER OF BUSINESS

Item A – Review Canvass Board Certificate Of Election, October 5, 2017 (Mayor Robb) [Not Available Until After The Canvass Board October 5, 2017].

Item B – Resolution 17-18: Certifying The Results Of The City Of Bethel, Regular Municipal Election Held October 3, 2017 (Mayor Robb) [Not Available Until After The Canvass Board October 5, 2017].

Main Motion: Adopt Resolution 17-18.

Moved by: Springer

Seconded by: Albertson

Action: Motion carries by a vote of 6-0

In favor: Robb Albertson Watson Springer Shabani Shantz

Opposed: -0

Item C – Oath Administered To Newly Elected Council Members.

Mitchell Forbes, R. Thor Williams, Naim Shabani, Leif Albertson, Mark Springer, and Richard Robb were administered their oath of office and took their place on the council bench.

Standing Council Members are:

Richard Robb

Leif Albertson

Fred Watson

Mark Springer

Naim Shabani
R. Thor Williams
Mitchell Forbes

IX. UNFINISHED BUSINESS

Item A – Public Hearing of Ordinance 17-44: Authorizing The Acquisition And Disposal Of Property To Yuut Elitnaurviat Pursuant To BMC 4.08.030(B): Reacquire Land From Yuut Elitnaurviat And Re-Dispose Of Property To Yuut Elitnaurviat.

*Mayor Robb opened the Public Hearing.
Dennis Dishion, spoke in favor of the Ordinance and provided a summary of the effect of the ordinance for the Council.
Mayor Robb closed the Public Hearing.*

Main Motion: Adopt Ordinance 17-44.

Moved by: Springer
Seconded by: Shabani
Action: Motion carries by a vote of 6-1
In favor: Robb Albertson Watson Springer Shabani Forbes
Opposed: Williams

Subsidiary Motion: Suspend the rules to hear from Dennis Dishion, Yuut Elitnaurviat as well as the representative from the Jason Brown, First National Bank Representative.

Moved by: Springer
Seconded by: Albertson
Action: Motion carries by a vote of 7-0
In favor: Robb Albertson Watson Springer Shabani Williams Forbes
Opposed: -0

Amend to direct administration to modify Article 8 of the lease agreement to reflect the amendments provided by the City Attorney as follows:

"ARTICLE 8 – OPTION TO PURCHASE LAND

LESSEE has expressed an interest in purchasing the Leased Land from the CITY. CITY hereby conveys to LESSEE an option to purchase the Leased Land. CITY agrees not to assign the Lease in any way for a period of at least thirty-six (36) months from the commencement of this Lease Agreement (or until October 11, 2020, whichever comes first). During that time, LESSEE may exercise its option and purchase the land from CITY. Any such sale would terminate the LEASE without penalty.

**Primary
Amendment:**

The sale and purchase of the Leased Land will be done in accordance within the requirements of Section 4.08 of the Bethel Municipal Code. and shall only occur upon the mutual agreement of both the LESSEE and the CITY. This Lease Agreement shall not be construed as mutual agreement between the parties. Mutual agreement shall occur independently of the Lease and requires an actual written request by LESSEE and an actual acceptance via Ordinance by CITY.

The purchase price of the Leased Land in the event of the exercise of LESSEE's option will be the value given in the most recent appraisal of the Leased Land, dated July 14, 2016, subject to an update if more than eighteen (18) months elapses from the time of this lease to the time of the purchase. *This appraisal (page 42) lists the value of the said Land at \$770,000 (the "Purchase Price"). If this option is exercised, the CITY shall, upon payment in full of the Purchase Price by LESSEE, transfer said Land via warranty deed to the LESSEE, at which time this lease will end. The close of sale will take place within 90 days of LESSEE's exercise of its option. Prior to the close of sale, the CITY will assume responsibility for title insurance, and LESSEE will assume responsibility for any inspection or testing of the Leased Land. The CITY shall convey the land free and clear of any encumbrances, and the CITY assumes responsibility for costs incurred by reason of its inability to convey clear title. Each party shall bear its own legal costs in connection with the exercise of this option."*

Moved by:	Albertson
Seconded by:	Shabani
Action:	Motion carries by a vote of 6-1
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Watson <input checked="" type="checkbox"/> Springer <input checked="" type="checkbox"/> Shabani <input checked="" type="checkbox"/> Forbes
Opposed:	<input checked="" type="checkbox"/> Williams
Secondary Amendment:	Amend the Primary Amendment to insert "request to" before "exercise its options and" in the first paragraph fifth line down.
Moved by:	Watson
Seconded by:	Williams
Action:	Motion carries by a vote of 7-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Watson <input checked="" type="checkbox"/> Springer <input checked="" type="checkbox"/> Shabani <input checked="" type="checkbox"/> Williams <input checked="" type="checkbox"/> Forbes
Opposed:	-0
Secondary Amendment:	Amend the Primary Amendment to strike the last paragraph of the proposed amendments to Article 8.
Moved by:	Williams
Seconded by:	Springer
Action:	Motion carries by a vote of 1-6
In favor:	<input checked="" type="checkbox"/> Williams
Opposed:	<input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Forbes <input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Watson <input checked="" type="checkbox"/> Springer <input checked="" type="checkbox"/> Shabani
Primary Amendment:	Motion to postpone and direct administration to renegotiate the lease agreement with a focus on ensuring the City's rights to the easements are maintained.
Moved by:	Williams
Seconded by:	Springer
Action:	Motion does not carry by a vote of 2-5
In favor:	<input checked="" type="checkbox"/> Watson <input checked="" type="checkbox"/> Williams

Opposed: | Forbes Albertson Springer Robb Shabani

X. NEW BUSINESS

Item A – Introduction of Ordinance 17-45: Amending Fees And Charges Related To Planning Services For Tall Towers.

Main Motion: Introduce Ordinance 17-45.

Moved by: Springer
Seconded by: Albertson
Action: Motion carries by a vote of 7-0
In favor: Robb Albertson Watson Springer Shabani Williams Forbes
Opposed: -0

Item B – AM 17-61: Appointment of Alyssa Gustafson to the Public Works Committee.

Passed on the consent agenda.

Item C – AM 17-62: Reappointment of Committee and Commission Members- Brian Lefferts/Park, Recreation, Aquatic, Health and Safety Center Committee- Richard Pope/Port Commission.

Passed on the consent agenda.

Item D – AM 17-63: Appointment of Monroe Tyler to the Public Safety and Transportation Commission.

Passed on the consent agenda.

Item E – AM 17-64: Direct Administration To Sign The Obligating Award Document To Accept \$126,055 In Funding From Alaska Division Of Homeland Security And Emergency Management For The Purchase Of GIS Mapping Services, Repeaters For Radios, And Two ALERRT Active Shooter Training Courses.

Main Motion: Approve AM 17-64.

Moved by: Springer
Seconded by: Forbes
Action: Motion carries by a vote of 7-0
In favor: Robb Albertson Watson Springer Shabani Williams Forbes
Opposed: -0

XI. MAYOR'S REPORT
XII. MANAGER'S REPORT

XIII. CLERK’S REPORT

XIV. COUNCIL MEMBER COMMENTS

Richard Robb-Thanked the community for voting in the recent election. Encouraged people to be careful of the weather.

Leif Albertson-No comment.

Fred Watson- No comment.

Mark Springer-Thanked the community for elected him to another term. Expressed sympathies to Greg and Kelly Lincoln for the loss of their daughter.

Naim Shabani-Thanked the community for voting him on to City Council.

R. Thor Williams-Thanked the community for elected him to City Council. Thanked the Police Department for their continued work on the home invasion that occurred at his home last week.

Mitchell Forbes- Thanked the community for elected him to City Council.

XV. EXECUTIVE SESSION

Item A– In Accordance With AS 44.62.310 C 1 Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity- Union Negotiations.

Item B– In Accordance With AS 44.62.310 C 1 Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity- Court House Leased Property Contract.

Move into Executive Session-

Item A- In Accordance With AS 44.62.310 C 1 Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity- Union Negotiations. Those attending Item "A" were: City Clerk, City Attorney, City Manager, Finance Director, and Human Resources Manager.

Item B- In Accordance With AS 44.62.310 C 1 Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity- Court House Leased Property Contract. Those attending Item "B" were: City Attorney, City Manager and City Clerk.

Main Motion:

Moved by: | Springer

Seconded by:	Williams
Action:	Motion carries by a vote of 7-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Watson <input checked="" type="checkbox"/> Springer <input checked="" type="checkbox"/> Shabani <input checked="" type="checkbox"/> Williams <input checked="" type="checkbox"/> Forbes
Opposed:	-0

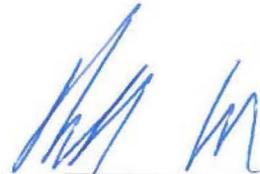
Council Member Springer departed the meeting at 10:55p.m.

XVI. ADJOURNMENT

Main Motion: Adjournment.

Moved by:	Shabani
Seconded by:	Albertson
Action:	Motion carries by a vote of 6-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Watson <input checked="" type="checkbox"/> Shabani <input checked="" type="checkbox"/> Williams <input checked="" type="checkbox"/> Forbes
Opposed:	-0

Council adjourned at 11:10 p.m.



Richard Robb, Mayor

ATTEST:



Lori Strickler, City Clerk