

**City Council Meeting
City of Bethel, Alaska
Regular Meeting
October 11, 2016**

I. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on October 11, 2016 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:	
<input checked="" type="checkbox"/> Mayor Rick Robb	<input checked="" type="checkbox"/> Council Member Nikki Hoffman
<input checked="" type="checkbox"/> Vice-Mayor Byron Maczynski	<input checked="" type="checkbox"/> Council Member Alisha Welch
<input checked="" type="checkbox"/> Council Member Leif Albertson	<input checked="" type="checkbox"/> Council Member Mary Weiss
<input checked="" type="checkbox"/> Council Member Zach Fansler	
Members Absent:	
<input checked="" type="checkbox"/> Council Member Mary Weiss	
Also in attendance were the following:	
<input checked="" type="checkbox"/> Acting City Manager Pete Williams	<input checked="" type="checkbox"/> City Clerk Lori Strickler

Main Motion: Suspend the rules to move Special Order of Business Items ABC to the next item of business.

Moved by:	Fansler
Seconded by:	Maczynski
Action:	Motion carries by a vote of 6-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch
Opposed:	-0

IV. SPECIAL ORDERS OF BUSINESS

Item A – Review Canvass Board Certificate Of Election, October 6, 2015.

Item B- Resolution16-31: Certifying The Results Of The City Of Bethel, Regular Municipal Election Held October 4, 2016.

Main Motion: Adopt Resolution 16-31.

Moved by: Fansler
Seconded by: Maczynksi
Action: Motion carries by a vote of 6-0
In favor: Robb Maczynski Albertson Fansler Hoffman Welch
Opposed: -0

Item C- Oath Administered To Newly Elected Council Members.

Byron Maczynski, Fred Watson and Norman Ayagalria were administered their oath of office and took their place on the council bench.

Standing Council Members are:

*Richard Robb
Leif Albertson
Byron Maczynksi
Nikki Hoffman
Alisha Welch
Fred Watson
Norman Ayagalria*

V. PEOPLE TO BE HEARD

Eileen Hendrickson, although a member of the Public Safety and Transportation Commission, stated her personal opposition to Action Memorandum 16-71; stated it appears there is a misunderstanding.

Larry Howard – There appears to be a lot of confusion between the directives from the City Council and the actions of the Police Department.

Gary Hansen – Thanked the Council for their hard work. The Council needs to consider how decisions are going to affect everyone before they make decisions.

Dave Trantham- Thanked the outgoing council members for serving their community. Title 29 governs a second class city; the people of Bethel cannot elect a mayor in this community. Suggested the Council Elect Council Member Alisha Welch as the mayor. Stated he believes the Council had been micromanaging the City Council.

Fritz Charles- Stated his opposition to some of the items outlined in Ordinance 16-31 such as the maximum speed of 25 miles per hour. Suggested banning four wheelers during certain times of the day.

Ira Flowers – Spoke in opposition to the active enforcement of the ATV and four-wheeler laws.

Mary Nanuwak Thanked the Council for their hard work and stated while she would have liked to win the election for Council, she is happy with the results. Additionally stated there should be someone to check the microphones and

Jennifer Fiess – Asked the Council to provide a provision clarification on the ATV and four-wheeler laws tonight to allow people to use their ATVs tomorrow.

Myron Nanning – ATVs are not just a city of Bethel issue, they are least expensive way of transportation. This is an issue for many communities in the Region.

Item B – Public Hearing Of Ordinance 16-28: Authorizing A Lease Revenue Refund Bond.

[Time certain 7:30p]

Mayor Robb Opened the Public Hearing.

Mayor Robb Closed the Public Hearing.

PEOPLE TO BE HEARD *returned*

Vernon Blevins – Spoke in opposition to the active enforcement of ATV and four-wheeler laws.

VI. APPROVAL OF THE CONSENT AND REGULAR AGENDA

Main Motion: Approve the Consent and Regular Agenda.

Moved by:	Welch
Seconded by:	Hoffman
Action:	Motion carries by a vote of 7-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Watson <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch <input checked="" type="checkbox"/> Ayagalria
Opposed:	-0

Removal from the Consent

Agenda: Remove Introduction of Ordinance 16-31 from consent agenda.

Moved by: Hoffman

Removal from the Consent

Agenda: Remove New Business Items B, C, D, and I from the consent agenda.

Moved by: Albertson

VII. APPROVAL OF THE MEETING MINUTES

Item A – Special City Council Meeting September 26, 2016
Passed on the consent agenda.

Item B – Regular City Council Meeting September 27, 2016
Passed on the consent agenda.

Item C – Special City Council Meeting September 30, 2016
Passed on the consent agenda.

Item D – Special City Council Meeting October 3, 2016
Passed on the consent agenda.

VIII. REPORTS OF STANDING COMMITTEES

Public Safety and Transportation Commission –
No one present to provide a report.

Port Commission –
Commission Representative Alisha Welch –
The floats are going to be pulled.

Planning Commission –
Council Representative, Nikki Hoffman –
Noting to report.

Parks and Recreation Committee –
Committee Representative Brian Lefferts –
The website for the pool is up and running; Discussed the repairs needed at Owl Park; questioned the status of the recommended dog park; continue to review the wellness program options; received an update of the Pinky's Park grant, the committee is considering requesting larger square footage for the multi-purpose field; discussed the trail from the hospital and the college.

Finance Committee –
Council Representative, Leif Albertson –
Looking over the suggested amendments to the sales tax code.

Energy Committee –
Committee Recorder, John Sargent –
Discussed the Energy Workshop that was held at the Cultural Center.
Review and reworking the composting toilet ordinance.

Energy Grant opportunities.

Public Works Committee –

Council Representative, Byron Maczynski –

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

Marijuana Advisory Committee –

No report.

IX. SPECIAL ORDER OF BUSINESS

Items A, B and C were moved ahead on the agenda.

Item D - Health Fitness Update On YK Fitness Center Operation.

X. UNFINISHED BUSINESS

Item A – Public Hearing Of Ordinance 16-27: Amending Bethel Municipal Code 18.60.010, Conditional Use Permit Authorization.

Main Motion: Adopt Ordinance 16-27.

Moved by: Hoffman

Seconded by: Welch

Action: Motion carries by a vote of 7-0

In favor: Robb Maczynski Albertson Watson Hoffman Welch Ayagalria

Opposed: 0

Item B – Public Hearing Of Ordinance 16-28: Authorizing A Lease Revenue Refund Bond.

Mayor Robb Opened the Public Hearing.

No one present to be heard.

Mayor Robb Closed the Public Hearing.

Main Motion: Motion to adopt was made on September 27.

Moved by: Hoffman

Seconded by: Welch

Action: Motion carries by a vote of 7-0

In favor: Robb Maczynski Albertson Watson Hoffman Welch Ayagalria

Item C – Public Hearing Of Ordinance 16-29: Acquisition Of Property, Easements For Institutional Corridor Project – AVEC.

Mayor Robb Opened the Public Hearing.

No one present to be heard.

Mayor Robb Closed the Public Hearing.

Main Motion: Adopt Ordinance 16-29.

Moved by: Hoffman
Seconded by: Welch
Action: Motion carries by a vote of 7-0
In favor: Robb Maczynski Albertson Watson Hoffman Welch Ayagalria
Opposed: 0

Item D – Public Hearing Of Ordinance 16-30: Acquisition Of Property, Easements For Institutional Corridor Project- Walsh & Co.

Main Motion: Adopt Ordinance 16-30.

Moved by: Maczynski
Seconded by: Welch
Action: Motion carries by a vote of 6-1
In favor: Robb Maczynski Albertson Watson Welch Ayagalria
Opposed: Hoffman

Item E – Resolution 16-27: Council In Support Of Alaska DOT For Bethel Airport Improvements.

A motion to approve Resolution 16-27 was made at the
Main Motion: September 13, 2016 Regular Meeting.

Moved by: Albertson
Seconded by: Weiss
Action: Postponed

Subsidiary

Motion: Postpone

Moved by: Maczynski
Seconded by: Hoffman
Action: Motion carries by a vote of 7-0
In favor: Robb Maczynski Albertson Watson Hoffman Welch Ayagalria
Opposed: 0

Item F – AM 16-66: Authorizing Administration To Sign The Statewide Transportation Alternatives Program FY 2013-2016 Grant Agreement To Accept Grant Funds To Construct A Gravel Trail.

Motion to approve was made at the September 27, Regular
Main Motion: Meeting.

Moved by: Hoffman
Seconded by: Welch

Action: | Postponed

Main Motion: Suspend the rules to hear from John Sargent, Grant Manager.

Moved by: Welch
Seconded by: Hoffman
Action: Motion carries by a vote of 7-0
In favor: Robb Maczynski Albertson Watson Hoffman Welch Ayagalria
Opposed: 0

Main Motion: Postpone.

Moved by: Albertson
Seconded by: Hoffman
Action: Motion carries by a vote of 4-3
In favor: Albertson Watson Hoffman Welch
Opposed: Robb Maczynski Ayagalria

XI. NEW BUSINESS

Item A – Introduction Of Ordinance 16-31: Amending Title 10, Chapter 3, Of The Bethel Municipal Code, Related To The Operation Of Snow Machines And ATV's On Bethel Roads.

Main Motion: Introduce Ordinance 16-31.

Moved by: Hoffman
Seconded by: Maczynski
Action: Motion carries by a vote of 7-0
In favor: Robb Maczynski Albertson Watson Hoffman Welch Ayagalria
Opposed: 0

Primary Amendment: Amend to strike under 10.03.030, Operations of Snow Machines Subsection 4., "side of the lane of traffic" and insert "shoulder of the road in the direction of traffic."

Moved by: Welch
Seconded by: Hoffman
Action: Motion carries by a vote of 4-3
In favor: Robb Maczynski Welch Ayagalria
Opposed: Albertson Watson Hoffman

Secondary Amendment: Amend to strike " correct shoulder of the road" and insert "as far right as feasible."

Moved by: Maczynski
Seconded by: Welch

Action: Motion carries by a vote of 5-2
In favor: Robb Maczynski Albertson Welch Ayagalria
Opposed: Watson Hoffman

Primary Amendment: Amend 10.03.050 Snow Machine and ATV Drive Qualifications, A. to strike "18" and insert "16."

Moved by: Welch
Seconded by: Maczynski
Action: Motion does not carry by a vote of 0-7
In favor: 0
Opposed: Robb Maczynski Albertson Watson Hoffman Welch Ayagalria

Secondary Amendment: Amend to strike "16," and insert "14." Amend Subsection 1. to insert "or permit."

Moved by: Welch
Seconded by: Maczynski
Action: Motion does not carry by a vote of 1-6
In favor: Watson
Opposed: Robb Maczynski Albertson Hoffman Welch Ayagalria

Primary Amendment: Amend 10.030.040 to insert A. "7. Passengers and drivers must use a helmet while operating on City roads."

Moved by: Hoffman
Seconded by: Albertson
Action: Motion does not carry by a vote of 1-6
In favor: Albertson
Opposed: Robb Maczynski Watson Hoffman Welch Ayagalria

Secondary Amendment: Amend to strike "drivers" and insert "minors."

Moved by: Hoffman
Seconded by: Maczynski
Action: Motion does not carry by a vote of 0-7
In favor: 0
Opposed: Robb Maczynski Albertson Watson Hoffman Welch Ayagalria

Primary Amendment: 10.030.0050, A. 4. To insert "and passengers" and strike "operators."

Moved by: Hoffman
Seconded by: Albertson
Action: Does not carry by a vote of 2-5
In favor: Albertson Hoffman

Opposed: | Robb Maczynski Watson Welch Ayagalria

Primary

Amendment: Amend to strike Operators under subsection 10.03.050 4.

Moved by: Albertson

Seconded by: Welch

Action: Motion carries by a vote of 6-1

In favor: Robb Maczynski Albertson Hoffman Welch Ayagalria

Opposed: Watson

Item B – Introduction Of Ordinance 16-32: Acquisition Of Property, Easements For Institutional Corridor Project – Kipusvic.

Main Motion: Introduction of Ordinance 16-32.

Moved by: Welch

Seconded by: Maczynski

Action: Motion carries by a vote of 7-0

In favor: Robb Maczynski Albertson Watson Hoffman Welch Ayagalria

Opposed: 0

Item C – Introduction Of Ordinance 16-33: Acquisition Of Property, Easements For Institutional Corridor Project – BNC.

Main Motion: Introduction of Ordinance 16-33.

Moved by: Hoffman

Seconded by: Welch

Action: Motion carries by a vote of 7-0

In favor: Robb Maczynski Albertson Watson Hoffman Welch Ayagalria

Opposed: 0

Item D – Introduction Of Ordinance 16-34: Acquisition Of Property, Easements For Institutional Corridor Project – YKHC..

Main Motion: Introduction of Ordinance 16-34.

Moved by: Hoffman

Seconded by: Maczynski

Action: Motion carries by a vote of 7-0

In favor: Robb Maczynski Albertson Watson Hoffman Welch Ayagalria

Opposed: 0

Item E – AM 16-70: Direct City Administration To Prepare And Submit An FY 2018 Alaska Community Transit Grant Application With \$80,580 Included From The City’s Fiscal Year 2018 Budget As A Local Match.

Main Motion: Approve AM 16-70.

Moved by: Maczynski
Seconded by: Welch
Action: Postponed

Main Motion: Postpone.

Moved by: Welch
Seconded by: Maczynski
Action: Motion carries by a vote of 7-0
In favor: Robb Maczynski Albertson Watson Hoffman Welch Ayagalria
Opposed: 0

Main Motion: Extend the meeting passed 11:00p.

Moved by: Maczynski
Seconded by: Welch
Action: Motion carries by a vote of 7-0
In favor: Robb Maczynski Albertson Watson Hoffman Welch Ayagalria
Opposed: 0

Item F- Update/Explanation On Section 106 Review Process – Donlin Gold.

Item G- Administrative Leave Request For The City Clerk November 14, 15, 16.
Passed on the consent agenda.

Main Motion: Extend the meeting passed 11:00p.

Moved by: Maczynski
Seconded by: Welch
Action: Motion carries by a vote of 7-0
In favor: Robb Maczynski Albertson Watson Hoffman Welch Ayagalria
Opposed: 0

Item H- IM 16-04: Modification To The Transit System Personnel Recruitment And Hiring Structure.

Item I- IM 16-05: City Of Bethel Monthly Financial Statements.

Item J- AM 16-71: Direct Administration To Suspend Action Memorandum 16-67 Thereby Suspending The Increase Of Active Enforcement of state laws (including ticketing) related to the use of snowmobiles and ATVs on City and State roads in Bethel pending the outcome of a proposed ordinance regarding snowmobile and ATV use on city streets.

Motion to suspend the rules to hear from Amy Davis, Acting Chief of Police.

Main Motion:

Moved by:	Maczynski
Seconded by:	Watson
Action:	Motion does not carry by a vote of 3-4
In favor:	<input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Watson <input checked="" type="checkbox"/> Ayagalria
Opposed:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Welch <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Albertson

XII. MAYOR’S REPORT

XIII. MANAGER’S REPORT

XIV. CLERK’S REPORT

XV. COUNCIL MEMBER COMMENTS

Mayor Richard Robb –
Welcomed the new council members.

Vice-Mayor Byron Maczynski –
No comment.

Council Member Albertson –
No comment.

Council Member Fred Watson –
Thanked the citizens of Bethel for their vote.

Council Member Norman Ayagalria –
Thanked the members of the community for their vote, looking forward to working for the community.

Council Member Nikki Hoffman –
Clarified that the ATV laws are not new laws, the Council simply directed administration to enforce the laws. Provided condolences to the family in Akiachak for the loss of life cause by an ATV accident.

Council Member Alisha Welch –

Welcomed the new City Council Members, and thanked the outgoing members.

XVI. EXECUTIVE SESSION

Item A – Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity – Employment Contract Review, City Manager.

Item B- 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 –Potential Litigation United Pools.

Move into Executive Session To Discuss Alaska Statutes 44.62.310: Personnel Matters (Unless The Person Has Requested To Have The Subjects Discussed In Public) Or Subjects That Tend To Prejudice The Reputation And Character Of A Person.

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 –Potential Litigation United Pools.

Those participating in the Executive Session will be the Council Members, City Attorney Burley, and City Manager Capela.

Main Motion:

Moved by:	Hoffman
Seconded by:	Welch
Action:	Motion carries by a vote of 7-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Watson <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch <input checked="" type="checkbox"/> Ayagalria
Opposed:	—0

XVII. ADJOURNMENT

Main Motion: Adjourn

Moved by:	Welch
Seconded by:	Maczynski
Action:	Motion carries by a vote of 7-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Watson <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch <input checked="" type="checkbox"/> Ayagalria
Opposed:	0

Council adjourned at 12:34 p.m.



Richard Robb, Mayor

ATTEST:



Lori Strickler, City Clerk