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# City of Bethel City Council Meeting Minutes

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November 8, 2006

Regular Meeting

Bethel, Alaska

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## **I. CALL TO ORDER**

A Regular Meeting of the Bethel City Council was held on November 8, 2006 at 6:30p, in the Council Chambers, Bethel, Alaska.

Mayor Leinberger called the meeting to order at 6:30p

## **II. ROLL CALL**

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

Members present:

Mayor Leinberger Dan  
Vice-Mayor Tundy Rodgers (dismissed at 10p)  
Council Member Dave Trantham  
Council Member Andrew McGowan  
Council Member Mary Kenick  
Council Member Eric Middlebrook  
Council Member Yolonda Jorgensen

Others present:

City Clerk Sandra Modigh  
City Attorney Sharon Sigmon  
City Manager Wally Baird

## **III. PEOPLE TO BE HEARD**

1. Carl Berger addressed Council to discuss Matched Savings Programs Planned for the YK Delta Communities and provided Council and the community documentation. Mr. Berger invited the Council and the Community to attend an organizational meeting on 11/15/06, 1p, at the KYUK Studio. Mr. Berger provided information regarding the program. Mr. Berger stated that he as a former Council Member would like to see Council hold themselves to a higher standard and also stated that they need to work at supporting each other and improving our image.
2. Ben Bruce addressed Council to speak on behalf of the agenda item-Removal of the Mayor and stated that he speaks in favor of our current Mayor although he may not have always agreed with his decisions. Mr. Bruce also stated that it's so easy to lose the moral of your troop and requested that all Council

Members put their personal issues aside and work together. Mr. Bruce stated that he and his wife are very alarmed and stated that there has not been enough information provided to the community regarding this matter.

3. Paul Gregory Sr. addressed Council to stated that there are not enough lights in City Subdivision around the bus stations and would like to see more lighting, he also stated that there are vehicles that are not obeying the bus lights when they should be stopping and would like to see something done about that. Mr. Gregory advised Council that there are big dogs running in packs in town and are not tied up, he would like to see that issue addressed.
4. John Paul Jones addressed Council to speak in opposition of the City's water delivery policy. Mr. Jones suggested that the City devise a committee to review the City's policies and water fees. Mr. Jones stated that he hopes that we do not have to address the dog issue again and inquired where our dog catcher is and what policies he is following. Mr. Jones stated that we are beginning to have serious problems within the community again.
5. Willy Keppel addressed Council to state that he is confused as to what the Council is addressing during this meeting and inquired why Council Member McGowan is being addressed in Executive Session. Mr. Keppel stated that Council is treading on thin ice and this could end up a legal matter. Mr. Keppel stated that if Council cannot clean-up their own house that the community will. LAND??
6. Thor R. Williams addressed Council and stated that he is very disappointed with everyone. Mr. Williams also stated that everyone is full of envy therefore everyone they pick and pick and stated that he is surprised that everyone is running away from the issues and inquired why the Council Members are not working for the community. Mr. Williams stated that he is concerned and requested that the Council quit fighting among themselves and address

|                            |                      |                          |
|----------------------------|----------------------|--------------------------|
| <b>MOVED:</b>              | Rodgers              | To break for 10 minutes. |
| <b>SECONDED:</b>           | Kenick               |                          |
|                            |                      |                          |
| <b>VOTE ON MAIN MOTION</b> | Carried unanimously. |                          |

**IV. APPROVAL OF THE CONSENT AND REGULAR AGENDA**

|                            |         |  |
|----------------------------|---------|--|
| <b>MOVED:</b>              | Rodgers | To approve the Regular And Consent and Regular Agenda for the November 8, 2006 Regular City Council Meeting as amended removing ordinance 06-26 & 06-27 and resolution 06-28 from the consent agenda |
| <b>SECONDED:</b>           | Kenick  |  |
| <b>VOTE ON MAIN MOTION</b> |         |  |
| Carried unanimously.       |         |  |

**V. SPECIAL ORDER OF BUSINESS**

**Item A- Removal of The Mayor**

Vice-Mayor stated that he put this item on the agenda in regards to the Mayors comment on October 30<sup>th</sup>'s Special Meeting.

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|--|-------------|---|
| <b>MOVED:</b>  | Jorgensen   | To remove the Mayor.  |
| <b>SECONDED:</b>   | Trantham    |   |
| <i>The Mayor ruled the motion is out of order per Alaska Statute</i> |             |   |
| <b>MOVED:</b>  | Jorgensen   | To amend the motion to take the Mayor up on his offer per AS 29.20.280 3. |
| <b>SECONDED:</b>   | Middlebrook |   |
| <b>VOTE ON MAIN MOTION</b>   |             |   |
| <i>The Mayor ruled the motion is out of order per Alaska Statute</i> |             |   |
| <b>VOTE ON MAIN MOTION</b>   |             |   |
| <i>The Mayor ruled the motion is out of order per Alaska Statute</i> |             |   |

**VI. APPROVAL OF THE MEETING MINUTES**

**Item A-10-6/06 Regular City Council Meeting Minutes  
Item B-10/30/06 Special City Council Meeting Minutes**

*Meeting minutes were passed on the consent agenda*

**VII. NEW BUSINESS**

**Item A- Resolution 06-26: A Resolution Certifying That The City Did Suffer Significant Effects During The Program Base Year From Fisheries Business Activities That Occurred Within The Lower Kuskokwim Fisheries Management Area**

*Resolution 06-26 was passed and adopted on the consent agenda*

**Item B- Resolution 06-27: A Resolution Of The City Council Of The City Of Bethel, Alaska, Encouraging The Governor Of The State Of Alaska And The Legislature Of The State Of Alaska To Permanently Reinstate Revenue Sharing For All Alaska Municipalities**

*Resolution 06-27 was passed and adopted on the consent agenda*

**Item C- Resolution 06-28: A Resolution By The Bethel City Council Requiring Home Owners/Property Owners To Operate , Maintain, And Pay For The Operation Of The Sanitation Facilities Per The Individuals Home Owner/Property Owners Agreement With The City Of Bethel**

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|--|----------------------|---|
| <b>MOVED:</b>  | Rodgers              | To approve Resolution 06-28: A Resolution By The Bethel City Council Requiring Home Owners/Property Owners To Operate , Maintain, And Pay For The Operation Of The Sanitation Facilities Per The Individuals Home Owner/Property Owners Agreement With The City Of Bethel |
| <b>SECONDED:</b>                                       | Middlebrook          |   |
| Council discussed options other than resolution 06-28. |                      |   |
| <b>MOVED:</b>  | Middlebrook          | To amend the resolution to include a maximum charge of \$100 to the homeowner/property owner for repairs.   |
| <b>SECONDED:</b>                                       | Rodgers              |   |
| <b>MOVED:</b>  | Trantham             | to table the resolution and forward to the Public Works Committee   |
| <b>SECONDED:</b>                                       | Kenick               |   |
| <b>VOTE ON MAIN MOTION</b>                             | Carried unanimously. |   |

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|----------------------------|---------------------------------------|
| <b>VOTE ON MAIN MOTION</b> | <i>Resolution tabled indefinitely</i> |
| <b>VOTE ON MAIN MOTION</b> | <i>Resolution tabled indefinitely</i> |

**Item D- Resolution 06-29: A Resolution Accepting Village Safe Water Funding From Department Of Environmental Conservation Division Of Water In The Amount Of \$8,500,000 As Part Of Grant Offer #07E156**

*Resolution 06-29 was passed and adopted on the consent agenda*

**Item E- Resolution 06-30: A Resolution Supporting The Pursuit Of Denali Commission Grant Funds For The Purchase Of A Skid Steer To Be Used In The City's Recycling Efforts And Pledge To Cover Associated Operating/Maintenance Costs**

*Resolution 06-30 was passed and adopted on the consent agenda*

**Item F-Introduction Of Ordinance 06-25: An Ordinance Outlining The Make Up Of The Finance Committee, The Public Works Committee, And The Parks And Recreation Committee, And The Cemetery Committee Of The City Of Bethel**

*Ordinance 06-25 was introduced and set for public hearing on the consent agenda*

**Item G-Introduction Of Ordinance 06-26: An Ordinance Addressing The City The Organization Of The Bethel City Council**

|                            |                      |   |
|----------------------------|----------------------|---|
| <b>MOVED:</b>              | Middlebrook          | To introduce Ordinance 06-26: An Ordinance Addressing The City The Organization Of The Bethel City Council. |
| <b>SECONDED:</b>           | Jorgensen            |   |
| <b>VOTE ON MAIN MOTION</b> | Carried unanimously. |   |

**Item H-Introduction Of Ordinance 06-27: An Ordinance Addressing The Terms Of Council Member Representation On Commissions And Committees**

|                            |                      |  |
|----------------------------|----------------------|--|
| <b>MOVED:</b>              | Middlebrook          | To introduce Ordinance 06-27: An Ordinance Addressing The Terms Of Council Member Representation On Commissions And Committees as amended. |
| <b>SECONDED:</b>           | Jorgensen            |  |
| <b>MOVED:</b>              | Middlebrook          | To amend ordinance 06-27 to insert the phrase "including a Council member" after the word committee member and before the word appointed   |
| <b>SECONDED:</b>           | Rodgers              |  |
| <b>VOTE ON MAIN MOTION</b> | Carried unanimously. |  |
| <b>VOTE ON MAIN MOTION</b> | Carried unanimously. |  |

**Item I- Review Of FY06 Year-End Financials**

Finance Director Laurie Walters addressed Council to discuss and provide an overview of the FY06 Year-End Financials provided to Council.

Mayor Leinberger advised Council that the body, the Finance Department, and the Public Works Department need to address the fee and rate structure for the City and additional revenue.

**Item J- Approval Of The Contract Between The City Of Bethel And GV Jones Associates, Inc. To Provide Engineering Services For The City Of Bethel Wastewater Treatment Upgrade Plan Re-Evaluation**

|                  |         |   |
|------------------|---------|---|
| <b>MOVED:</b>    | Rodgers | To Approve The Contract Between The City Of Bethel And GV Jones Associates, Inc. To Provide Engineering Services For The City Of Bethel Wastewater Treatment Upgrade Plan Re-Evaluation |
| <b>SECONDED:</b> | Kenick  |   |

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| <b>VOTE ON MAIN MOTION</b> | Carried unanimously. |

*Council concurred to recess from 9:01p until 9:19p*

**Item K- Discussion Of Water & Sewer Rate Formula**

Mayor Leinberger advised Council of the history and reasoning behind the revision of the water/sewer rate reconstruction formula.

City Manager Baird and Finance Director Walters advised Council that there have been many meetings conducted to establish the new formula to be incorporated into a revised water/sewer rate structure to ensure fairness and equality throughout the community.

**Item L- Update On The Jail House Expansion From Administration**

City Manager Baird stated that he was in contact with Richard Smitz with the Department of Corrections who advised him at the current time the department including the Commissioner and the Deputy Commissioner are focused on the new jail house that is going on in the Matsu Valley. Mr. Shmitz advised the City Manager that we should be hearing from him within the next three to six weeks. We have submitted all the necessary documentation and they should be working with us on upcoming progress by mid December.

**Item M- Title Change From Staff Attorney To City Attorney**

|                            |                      |   |
|----------------------------|----------------------|---|
| <b>MOVED:</b>              | Trantham             | To change the Attorneys title from Staff Attorney to City Attorney. |
| <b>SECONDED:</b>           | McGowan              |   |
|                            |                      |   |
| <b>VOTE ON MAIN MOTION</b> | Carried unanimously. |   |

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| <b>MOVED:</b>   | Kenick               | To proceed past 10p |
| <b>SECONDED:</b>  | Jorgensen            |                     |
| Council concurred to dismiss Vice-Mayor Rodgers at 10p. |                      |                     |
| <b>VOTE ON MAIN MOTION</b>                              | Carried unanimously. |                     |

## Item N- Discussion Topics For The Alaska Municipal League Conference

Council concurred to discuss the following at the upcoming AML Conference:

- Fire Station Roof Repairs

Council Member Trantham stated that he has been invited to meet with various elected officials and received Council concurrence to meet with them.

- Court House Expansion
- Bethel Roads
- Homeland Security

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|----------------------------|---|--|
| <b>MOVED:</b>              | Kenick  | To allow Council members to meet with legislatures to discuss the Fire Station Roof Repairs  |
| <b>SECONDED:</b>           | Middlebrook                                   |  |
| <b>MOVED:</b>              | Kenick  | To amend the motion to include the cost of making the necessary repairs to the Fire Station funds to cover the costs to range from \$740,000 to 1.2 million. |
| <b>SECONDED:</b>           | Middlebrook                                   |  |
| <b>VOTE ON MAIN MOTION</b> | Carried: 5 - 1<br>Middlebrook voting against. |  |
| <b>MOVED:</b>              | Middlebrook                                   | To amend the motion to stating that the City considers the repair of the Fire House roof a priority and maybe represent it as such.                          |
| <b>SECONDED:</b>           |   |  |
| <b>VOTE ON MAIN MOTION</b> | <i>failed for a lack of a second</i>          |  |
| <b>MOVED:</b>              | Kenick  | To withdraw the motion.  |
| <b>SECONDED:</b>           | Jorgensen                                     |  |
| <b>VOTE ON MAIN MOTION</b> | Carried unanimously.                          |  |
| <b>VOTE ON MAIN MOTION</b> | <i>Motion withdrew</i>                        |  |

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| <b>MOVED:</b>              | Middlebrook  | That the City make a resolution or a statement to discuss the Fire Station Roof at AML as a priority |
| <b>SECONDED:</b>           | McGowan  |  |
| <b>MOVED:</b>              | Jorgensen  | To amend the motion to include a Community Recreation Center to the list of priorities               |
| <b>SECONDED:</b>           | McGowan  |  |
| <b>VOTE ON MAIN MOTION</b> | Failed: 3 - 3<br>Leinberger, Kenick, Middlebrook voting against. |  |
| <b>VOTE ON MAIN MOTION</b> | Carried unanimously.   |  |

**Item O- Amended City Council Travel Policy**

|                            |                      |   |
|----------------------------|----------------------|---|
| <b>MOVED:</b>              | Middlebrook          | To postpone the amended City Council Travel Policy until the December Council meeting |
| <b>SECONDED:</b>           | Kenick               |   |
| <b>VOTE ON MAIN MOTION</b> | Carried unanimously. |   |

**Item P- Policy Concerning Council Member Representation Of The City Of Bethel**

|                            |   |  |
|----------------------------|---|--|
| <b>MOVED:</b>              | Middlebrook                                       | To instruct the City Clerk and the City Attorney to separate the amended travel policy and from a Council Representation policy. |
| <b>SECONDED:</b>           | Kenick  |  |
| <b>VOTE ON MAIN MOTION</b> | Carried: 4 - 2<br>McGowan, Kenick voting against. |  |

**Item Q- Vote To Conduct Inquiry Per Bethel Municipal Code 2.05.010, Ordinance 06-23, Regarding Council Member McGowan's Possible Violation Of Travel Policy Passed On May 9. 2006**

|  |   |   |
|--|---|---|
| <b>MOVED:</b>  | Middlebrook   | To conduct an inquiry into the alleged violation by Council Member McGowan.   |
| <b>SECONDED:</b>   | Kenick  |   |
| Council concurred to take a brief recess.  |   |   |
| City Attorney advised Council that City Manager Baird departed the meeting; he was not feeling well. |   |   |
| <b>MOVED:</b>  | Kenick  | To suspend the rules to proceed past 11p.   |
| <b>SECONDED:</b>   | Middlebrook   |   |
| <b>VOTE ON MAIN MOTION</b>   | Carried unanimously.                                |   |
| <b>MOVED:</b>  | Kenick  | To table this inquiry until the 11/28 Council Meeting so that there is opportunity to receive the inquiry in writing. |
| <b>SECONDED:</b>   |   |   |
| <b>VOTE ON MAIN MOTION</b>   | <i>Failed for lack of a second.</i>                 |   |
| Council Member Jorgensen called the question.  |   |   |
| <b>VOTE ON MAIN MOTION</b>   | Carried: 4 - 2<br>Trantham, McGowan voting against. |   |

*Council concurred to take a ten minute recess*

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| <b>MOVED:</b>              | Middlebrook                                | To skip the reports of Standing Committees, the Manager's report, and the City Clerk's report |
| <b>SECONDED:</b>           | Keinck                                     |   |
| <b>VOTE ON MAIN MOTION</b> | Carried: 5 - 1<br>Trantham voting against. |   |

### VIII. MAYOR'S REPORT

- Invitation from AML regarding attending the Open House of the Denali Commission in Anchorage.
- Resignation letter from Steve Bush-Planning Commission
- Resignation letter from Frank Neitz-Public Works Committee

#### Mayor Leinberger appointed Michael Salzbrun to the Public Works Committee

|                            |                      |   |
|----------------------------|----------------------|---|
| <b>MOVED:</b>              | Middlebrook          | To confirm the appointment of Michael Salzbrun to the Public Works Committee. |
| <b>SECONDED:</b>           | Trantham             |   |
| <b>VOTE ON MAIN MOTION</b> | Carried unanimously. |   |

#### Mayor Leinberger appointed Hugh Dymont to the Planning Commission

|                            |   |   |
|----------------------------|---|---|
| <b>MOVED:</b>              | Trantham  | To confirm the appointment of Hugh Dymont to the Planning Commission. |
| <b>SECONDED:</b>           | Kenick  |   |
| <b>VOTE ON MAIN MOTION</b> | Failed: 1 - 4<br>Kenick voting for.<br>Dan abstaining |   |

#### Mayor Leinberger appointed Mike Walter to the Planning Commission

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|----------------------------|---|---|
| <b>MOVED:</b>              | Middlebrook                             | To confirm the appointment of Mike Walter to the Planning Commission. |
| <b>SECONDED:</b>           | Kenick                                  |   |
| <b>VOTE ON MAIN MOTION</b> | Carried unanimously.<br>Dan abstaining. |   |

#### Mayor Leinberger appointed Harry Faulkner to the Port Commission

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|----------------------------|--|--|
| <b>MOVED:</b>              | Kenick   | To confirm the appointment of Harry Faulkner to the Port Commission. |
| <b>SECONDED:</b>           | Middlebrook  |  |
| <b>VOTE ON MAIN MOTION</b> | Carried: 4 - 1<br>Trantham voting against.<br>Leinberger abstaining. |  |

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|--|----------|---|
| <b>MOVED:</b>  | Trantham | To confirm the appointment of Hugh Dyment to the Planning Commission. |
| <b>SECONDED:</b>   | Kenick   |   |
| <b>VOTE ON MAIN MOTION</b>                                   |          |   |
| Failed: 1 - 4<br>Kenick voting for.<br>Leinberger abstaining |          |   |

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|----------------------------|-------------|---|
| <b>MOVED:</b>              | Middlebrook | to make it policy to recognize members of the community that resign from a Committee/Commission |
| <b>SECONDED:</b>           | Kenick      |   |
| <b>VOTE ON MAIN MOTION</b> |             |   |
| Carried unanimously.       |             |   |

Mayor Leinbreger inquired as to whether or not Council Member McGowan would like to proceed in executive session or open session.

**IX. EXECUTIVE SESSION**

**Item A- Per The Bethel Municipal Code 2.04.110 B. 2.: Inquiry Into Council Member McGowan's City Of Bethel Business Travel October 8<sup>th</sup> & 9<sup>th</sup> '06 To Determine Whether Council's Travel Policy Passed By Council On May 9, 2006 Was Violated And If A Violation Has Occurred, Discussion Of Possible Action To Be Taken**

|  |             |  |
|--|-------------|--|
| <b>MOVED:</b>                            | Middlebrook | To Proceed Into Executive Session Per The Bethel Municipal Code 2.04.110 B. 2.: Inquiry Into Council Member McGowan's City Of Bethel Business Travel October 8 <sup>th</sup> & 9 <sup>th</sup> '06 To Determine Whether Council's Travel Policy Passed By Council On May 9, 2006 Was Violated And If A Violation Has Occurred, Discussion Of Possible Action To Be Taken |
| <b>SECONDED:</b>                         | Kenick      |  |
| <b>VOTE ON MAIN MOTION</b>               |             |  |
| To suspend the rules to proceed past 12p |             |  |

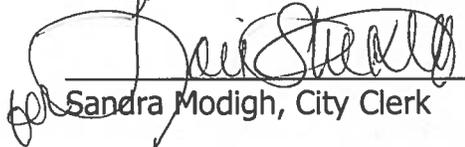
|                            |   |  |
|----------------------------|---|--|
| <b>VOTE ON MAIN MOTION</b> | Failed: 3 - 3<br>Trantham, McGowan, Jorgensen voting against. |  |
| <b>MOVED:</b>              | Trantham  | To exclude the City Attorney and City Clerk from the executive session |
| <b>SECONDED:</b>           | McGowan   |  |
| <b>VOTE ON MAIN MOTION</b> | <i>Meeting adjourned prior to vote</i>                        |  |
| <b>VOTE ON MAIN MOTION</b> | <i>Meeting adjourned prior to vote</i>                        |  |

**X. ADJOURNMENT**

*The meeting adjourned at 12:00a*

**APPROVED THIS 12<sup>th</sup> DAY OF DECEMBER, 2006.**

ATTEST:

  
Sandra Modigh, City Clerk

  
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Dan Leinberger, Mayor