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## City of Bethel City Council Meeting Minutes

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November 27, 2012

Regular Meeting

Bethel, Alaska

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### **I. CALL TO ORDER**

A Regular Meeting of the Bethel City Council was held on November 27, 2012 at 6:30 pm, at the City Council Chambers, Bethel, Alaska.

### **II. PLEDGE OF ALLEGIANCE**

### **III. ROLL CALL**

**PRESENT:** Council Member Joseph Klejka  
Council Member Mary Sattler  
Council Member Mark Springer  
Council Member Rick Robb  
Council Member Eric Whitney  
Council Member Sharon Sigmon

**ABSENT:** Council Member Gene Jr. Peltola

**STAFF:** City Clerk KaJena Baty  
City Manager Lee Foley

### **IV. PEOPLE TO BE HEARD**

Hugh Dymont- Wished to speak on the Public Hearing Item  
Laura Ellsworth- Spoke in favor of the Tobacco Tax Ordinance  
Melinda Norwood- Spoke in favor of the Tobacco Tax Ordinance  
Graham Knapp- Spoke in favor of the Tobacco Tax Ordinance  
Brian Knutson- Spoke in favor of the Tobacco Tax Ordinance  
Tiffany Zulkowsky- Spoke in favor of the Tobacco Tax Ordinance  
Casey Donfro- Spoke in favor of the Tobacco Tax Ordinance  
Johnny Furlong- Spoke against the Tobacco Tax Ordinance  
Shane Iverson- On behalf of KYUK, would like council and public to use their mics.  
Mary Weiss- Spoke in favor of the Tobacco Tax Ordinance  
Oluwolemada Hunsi- Spoke in favor of the Tobacco Tax Ordinance  
Bob Ellsworth- Spoke in favor of the Tobacco Tax Ordinance

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

<b>MOVED:</b>	Robb	Motion to approve the consent and regular agenda.
<b>SECONDED:</b>	Whitney	
<b>MOVED:</b>	Sattler	Move Item H <u>AM 12-36</u> Approval of the Construction Contract for the Yukon-Kuskokwim Regional Aquatic Health & Safety Center underneath new business up to Item A of unfinished business
<b>SECONDED:</b>	Whitney	
<b>VOTE ON MOTION</b>	4-2 Motion passes, Robb and Whitney opposed	
<b>MOVED:</b>	Robb	Move Item A Introduction Of Ord. 12-09: An Ordinance By The Bethel City Council Amending The Bethel Municipal Code To Enact Section 4.17 Excise Tax On Cigarettes And Tobacco Products back to first item of New Business.
<b>SECONDED:</b>	Springer	
<b>VOTE ON MOTION</b>	6-0 All in favor. None opposed	
<b>MOVED:</b>	Sattler	Motion to remove Special City Council Meeting Minutes of 11-06-2012 off the agenda completely.
<b>SECONDED:</b>	Sigmon	
<b>VOTE ON MOTION</b>	6-0 All in favor. None opposed	
<b>MOVED:</b>	Robb	Motion to remove Introduction of Ordinance 12-10 and 12-11 and AM 12-35 from consent agenda.
<b>VOTE ON MAIN MOTION</b>	All in favor. 6-0 All in favor. None opposed	

## **VI. APPROVAL OF THE MEETING MINUTES**

**Item A** – 10-29-2012 Regular City Council Meeting Minutes.  
*Passed on the consent agenda.*

**Item B** – 11-6-2012 Special City Council Meeting Minutes  
*Removed from the agenda completely.*

## **VII. REPORTS OF STANDING COMMITTEES**

Port Commission- Council Member Springer: Next meeting will be on Monday, December 3<sup>rd</sup>, no quorum at the last meeting, one vacancy.

Planning Commission- Council Member Robb: Last meeting was November 8<sup>th</sup>, one vacancy on the Commission, Plat was approved for the YK Aquatic Center, Discussion of Financial Disclosure, Zoning Overlays.

Finance Committee- Bobby Sutton: Meets Thursday night at 6:45 pm. Has not held a meeting since the last council meeting.

Public Works Committee- Mayor Klejka: Meets tomorrow evening.

Energy Committee- Council Member Whitney: Next meeting will be on Monday, December 3<sup>rd</sup>.

Parks & Recreation Committee- Council Member Sattler: Monday, December 3<sup>rd</sup> at 6:00 pm at the Teen Center.

Public Safety & Transportation Committee- Council Member Sigmon:  
Next meeting will be on December 4<sup>th</sup>, 2012 at 7 pm.

## **VIII. SPECIAL ORDER OF BUSINESS**

David Runfola: Alaska Department Of Fish And Game Harvest Study-Support Requested From Governing Body (Mayor Klejka)

**IX. UNFINISHED BUSINESS**

**Item A – \*Introduction Of Ord. 12-09: An Ordinance By The Bethel City Council Amending The Bethel Municipal Code To Enact Section 4.17 Excise Tax On Cigarettes And Tobacco Products (Council Member Whitney)**

<b>MOVED:</b>	Sigmon	Motion to introduce Ordinance 12-09
<b>SECONDED:</b>	Whitney	
<b>MOVED:</b>	Springer	Motion to suspend the rules to hear from the gallery.
<b>SECONDED:</b>	Whitney	
<b>VOTE ON MOTION</b>	6-0 All in favor. None opposed	
<b>VOTE ON MAIN MOTION</b>	5-1 Motion passes, Robb opposed	

<b>MOVED:</b>	Robb	Motion for a 10 minute break
<b>SECONDED:</b>	Sattler	
<b>VOTE ON MAIN MOTION</b>	6-0 All in favor. None opposed	

**Item H - AM 12-36 Approval of the Construction Contract for the Yukon-Kuskokwim Regional Aquatic Health & Safety Center**

<b>MOVED:</b>	Whitney	Motion to Approve AM 12-36
<b>SECONDED:</b>	Sattler	
<b>MOVED:</b>	Robb	To add as fiscal impact of \$20,044,750
<b>SECONDED:</b>	Whitney	
<b>VOTE ON MOTION</b>	6-0 All in favor. None opposed	
<b>VOTE ON MAIN MOTION</b>	6-0 All in favor. None opposed	

**Item B - Public Hearing: Council Members' Financial Disclosure Form Modified In Accordance To The Outcome Of The October 6, 2012 Proposition Passage (Mayor Klejka)**

*People speaking:*

Hugh Dymont- Would like to see the addition of a real property field on the form and in the format of an ordinance.

<b>MOVED:</b>	Sattler	Motion to postpone this item until the City Clerk has time to draft forms.
<b>SECONDED:</b>	Whitney	
<b>VOTE ON MAIN MOTION</b>	5-1 Motion passes, Robb opposed	

**Item C** - Draft MOU with the Lower Kuskokwim School District for the Use of the National Guard Armory Gym for Community Activities after the School Day is Over

<b>MOVED:</b>	Springer	Motion to approve the Draft MOU with the Lower Kuskokwim School District for the Use of the National Guard Armory Gym for Community Activities after the School Day is Over.
<b>SECONDED:</b>	Sigmon	
<b>MOVED:</b>	Klejka	Motion to approve the City Manager to proceed with the MOU, which will not be effective unless and until Council approves the funds at a future meeting.
<b>SECONDED:</b>		
<b>VOTE ON MAIN MOTION</b>	6-0 All in favor. None opposed	
<b>VOTE ON MAIN MOTION</b>	6-0 All in favor. None opposed.	

**X. NEW BUSINESS**

**Item A** - \*Introduction Of Ord. 12-10: An Ordinance Amending Sections 4.20.030m, 4.20.090e, 4.20.100e Of The Bethel Municipal Code, To Amend Local Preference

<b>MOVED:</b>	Springer	Motion to introduce Ordinance 12-10.
<b>SECONDED:</b>	Whitney	

<b>VOTE ON MAIN MOTION</b>	6-0 All in favor. None opposed
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**Item B – \*Introduction: Ord. 12-11:** Land Disposal Ordinance Authorizing the City Manager to Enter Into a Lease Agreement for Part of Tower Road Property.

<b>MOVED:</b>	Whitney	Motion to introduce Ordinance 12-11
<b>SECONDED:</b>	Robb	
<b>VOTE ON MAIN MOTION</b>	6-0 All in favor. None opposed	

**Item C - \*Res. 12-23:** Resolution By The City Of Bethel Certifying That The Municipality Did Suffer Significant Effects During The Program Base Year From Fisheries Business Activities That Occurred Within The Bethel Fisheries Management Area

*Passed on consent agenda*

**Item D - \*Res. 12-24:** Council Approving The Final Plat For Tract B (Ten Acres) Of The City Of Bethel Recreational Center Subdivision, Located In The West Half Of The Southwest Quarter Of Section 8, Township 8 North, Range 71 West, Seward Meridian, Alaska, And In The Akiachak Corridor, Bethel Alaska, 99559

*Passed on consent agenda*

**Item E - \*Res. 12-25:** City of Bethel Support for Institutional Corridor

*Passed on consent agenda*

**Item F - \*AM 12-34:** Appointing Susan Taylor to The Parks & Recreation Committee to December 2015

*Passed on consent agenda*

**Item G - \*AM 12-35** Authorize City Council to Purchase a Baby Gift for City Clerk

*Removed from consent agenda*

<b>MOVED:</b>	Springer	Motion to approve AM 12-35
<b>SECONDED:</b>	Robb	
<b>VOTE ON MAIN MOTION</b>	6-0 All in favor. None opposed	

**XI. MAYOR'S REPORT**

**XI. MANAGER'S REPORT**

**XII. CITY CLERK'S REPORT**

**XIII. ADDITIONAL INFORMATION**

**XIV. COUNCIL MEMBER COMMENTS**

Council Member Peltola- Not present to be heard.

Council Member Robb- Glad to see people coming to comment at council meetings. Today we passed a milestone in the community with approval of the contract for the BATH project.

Council Member Sattler- Will be calling in for the December 11<sup>th</sup> meeting. Would like Bethel to be safe and wear reflectors.

Council Member Sigmon- Leaving Bethel December 1- December 11<sup>th</sup> may not be back until late Jan. Will not be calling in for the December 11<sup>th</sup> meeting. Will be calling-in while away.

Council Member Springer- Attended the AML conference in Anchorage, saw a good turn out from the YK Delta. Peter Atchak is stepping aside as president of Search and Rescue.

Council Member Whitney- The ice skating is great right now.

Mayor Klejka- Congratulates KaJena Baty on Employee of the Quarter. Excited that we selected a contractor for the BATH project.

**XV. EXECUTIVE SESSION**

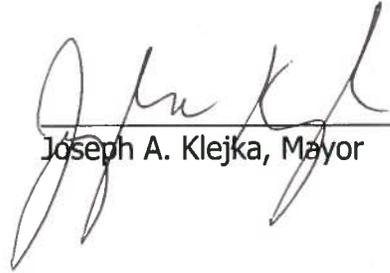
<b>MOVED:</b>	Sigmon	a) Motion to go into Executive Session To Discuss Potential Litigation, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The City. AS 44.62.310(c)(1). Discussion and Clarification of BMC 04.16.040F. The Council May Direct The City Attorney To Take Specific Legal Action During Executive Session In Accordance With AS 44.62.310b
<b>SECONDED:</b>	Robb	b) To permit the City Attorney to Advise the Council Regarding Pending Legal Matters Relating to the Armory, the immediate knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the City. The City May Direct the City Attorney to Take Specific Legal Action During Executive Session in accordance with AS 44.62.310b
<b>VOTE ON MAIN MOTION</b>	<a href="#">9:49:12 PM</a> 0-6 All opposed. Klejka, Sattler, Springer, Robb, Whitney and Sigmon opposed	

[9:48:32 PM](#) Council Member Sattler left

**XVI. ADJOURNMENT**

<b>MOVED:</b>	Springer	Motion to adjourn.
<b>SECONDED:</b>	Whitney	
<b>VOTE ON MAIN MOTION</b>	6-0 All in favor. None opposed	

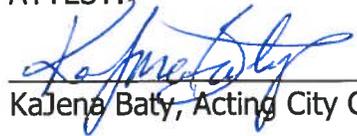
Council adjourned at 9:49:30 PM



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Joseph A. Klejka, Mayor

ATTEST:



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KaJena Baty, Acting City Clerk