

I. CALL TO ORDER

A Special Meeting of the Bethel City Council was held on November 3, 2015 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 Zach Fansler
<input checked="" type="checkbox"/> Vice-Mayor Byron Maczynski	<input checked="" type="checkbox"/> Council Member Chuck Herman
<input checked="" type="checkbox"/> Council Member Alisha Welch	<input checked="" type="checkbox"/> Council Member Nikki Hoffman
<input checked="" type="checkbox"/> Council Member Leif Albertson	
Also in attendance were the following:	
<input checked="" type="checkbox"/> City Manager Ann Capela	<input checked="" type="checkbox"/> City Attorney Patty Burley
<input checked="" type="checkbox"/> City Clerk Lori Strickler	

Mayor Robb informed the community of the City Manager's intent to declare an emergency disaster in the City of Bethel from the fire damages at the Kuskokwim Learning Academy and Ayaprun Elitnaurvik-Yup'ik Immersion School. The Council will consider a formal proclamation at the Council Meeting on November 10, 2015.

IV. PEOPLE TO BE HEARD

Mary Nanuwak –Stated opinion, the opening of a liquor store would increase the alcohol related violations the community is facing.

Cezary Maczynski – Stated the facility located across the street from the Kipusvik location should not be considered a school, the students are not able to come and go freely. Suggested the Bethel Spirit's location would be the optimal location for a liquor store.

Gloria Simion – Stated there is an obligation by the Council to have due diligence in the representation of the community. Concerned that Ordinance 15-29 amendment before the Council will still allow to order alcohol from Anchorage.

John Sargent – Supported the rescinding of Resolution 15-08 and 15-15.

Hugh Dymment- Provided thanks to all of the emergency service volunteers as well as the city employees for all of the work on containing the fire at the school as well as provided much needed supplies to those who have been displaced because of the fire.

David Trantham Jr. – Veterans Day is on November 11, 2015. The State of Alaska has more veterans per capita over any other state in the Union. Rural Alaska has more veterans per capita than urban Alaska. Many people in the Yukon Kuskokwim Delta have served their country in many ways. In 1942 a foreign nation put troops on Alaska soil, bombing Dutch Harbor and other communities; there was no military force to protest Western Alaska. Major Marston recruited men from the YK Delta to defend this part of Alaska during war time. In eight days there will be a ceremony to honor all veterans of all wars to include the Alaska Territorial Guard, encouraged the public to come to the celebration to honor those who have served.

Agnes Philips – Voted against the liquor store but voted for the sales tax increase associated to the alcohol sales.

Sharon Chakuchin-Congratulated the newly elected council members. The pressures of the Council is building every day. The City has their own financial issues, this is where the Council's responsibilities should lay. There is no way to think, the City would profit from alcohol sales; taking into consideration the amount of expenses needed to respond to alcohol use would not be offset by the revenue received by the City's tax on alcohol sales.

V. APPROVAL OF THE AGENDA

Main Motion: Approve the Agenda.

Moved by: Herman

Seconded by: Fansler

Action: Motion carries by a vote of 7-0

In favor: Robb Maczynski Welch Albertson Fansler Herman Hoffman

Opposed: -0

Primary Move Executive Session to fall before New Business.

Amendment:

Moved by:	Fansler
Seconded by:	Herman
Action:	Motion carries by a vote of 4-3
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Herman
Opposed:	<input checked="" type="checkbox"/> Welch <input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Hoffman

Secondary Amendment : Amend the motion to move the Executive Session item to fall before the Unfinished Business.

Moved by:	Fansler
Seconded by:	Welch
Action:	Motion carries by a vote of 6-1
In favor:	<input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Welch <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Hoffman
Opposed:	<input checked="" type="checkbox"/> Robb

Secondary Amendment: Move Executive Session to fall before New Business.

Moved by:	Fansler
Seconded by:	Herman
Action:	Motion carries by a vote of 6-1
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Welch <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Hoffman
Opposed:	<input checked="" type="checkbox"/> Fansler

Secondary Amendment: Move Unfinished Business Item B to fall prior to the Executive Session.

Moved by:	Fansler
Seconded by:	Herman
Action:	Motion carries by a vote of 4-3
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Herman
Opposed:	<input checked="" type="checkbox"/> Welch <input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Hoffman

Primary Amendment: Postpone Unfinished Business item B to the Council's Regular November 10, meeting.

Moved by:	Hoffman
Seconded by:	Maczynski
Action:	Motion does not carry by a vote of 2-5
In favor:	<input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Hoffman
Opposed:	<input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Welch <input checked="" type="checkbox"/> Robb

Main Motion: Call the question.

Moved by:	Herman
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Seconded by: Fansler
 Action: Motion does not carry by a vote of 3-4
 In favor: Albertson Fansler Herman
 Opposed: Robb Maczynski Hoffman Welch

VI. UNFINISHED BUSINESS

Item B – AM 15-47: Authorizing The City Manager To Enter Into A Contract With Wilson Agency For The City’s Brokerage Services.

Main Motion: A motion to approve AM 15-47 was made at the October 13, 2015 Council Meeting.

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

VIII. EXECUTIVE SESSION *Agenda amended.*

Item A – Alaska Statutes 44.62.310 Government Meetings, b, 1, Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity – Potential Litigation – Rescinding The Appeal On The Decision Made By The Alcohol Beverage Control Board To Not Uphold The City’s Protest Of A Package Store License For Bethel Spirits.

Move into Executive Session Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity - Potential Litigation – Rescinding The Appeal On The Decision Made By The Alcohol Beverage Control Board To Not Uphold The City’s Protest Of A Package Store License For Bethel Spirits.

Those participating in the Executive session will be the City Attorney Burley, Representing Outside Attorney Michael Gatti, City Manager, City Clerk and the Council.

Main Motion:

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

*Council entered into executive session at 8:27p.
Council exited executive session at 8:40p*

Council Member Hoffman declared a potential conflict of interest as a Bethel Native Corporation share holder.

Mayor Robb ruled Council Member Hoffman does not have a financial conflict of interest.

Subsidiary Motion:	Suspend the rules to hear from Ana Hoffman, Bethel Native Corporation, Chief Executive Officer.
Moved by:	Maczynski
Seconded by:	Welch
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"/> Welch <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Herman
Opposed:	-0

Ana Hoffman stated the impact of the shares will not be substantial. Council Member Hoffman holds 10 shares and the average holder is 100 shares.

Main Motion:	Motion to overrule the decision of the chair.
Moved by:	Fansler
Seconded by:	Albertson
Action:	Motion does not carry by a vote of 2-4
In favor:	<input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Fansler
Opposed:	<input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Welch

Council entered into executive session at 9:15p.

Council returned on the record at 11:00p.

Main Motion:	Extend the meeting passed 11:30p.
Moved by:	Hoffman
Seconded by:	Herman
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"/> Welch <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Hoffman
Opposed:	-0

VII. NEW BUSINESS *Amended agenda.*

Item A – Rescinding Resolution 15-08: Protesting the Issuance Of A Package Store License To Bethel Spirits, LLC. – License ID # 5384; Located At 905 Chief Eddie Hoffman Highway, Suite B, Bethel.

Main Motion: Postpone until the November 24, Regular Meeting.

Moved by:	Fansler
Seconded by:	Herman
Action:	Motion carries by a vote of 4-3
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Herman
Opposed:	<input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Welch

Item B – Amend Something Previously Adopted – Resolution 15-15: Protesting the Issuance Of A State Of Alaska Alcoholic Package Store License For AC Quickstop Owned By North West Company Inc.; Located At 131 Akakeek Street – License ID # 5418.

Item C – Rescinding Resolution 15-15: Protesting the Issuance of a State of Alaska Alcoholic Package Store License For AC Quickstop; Located at 131 Akakeek Street; Owned by North West Company Inc.; License ID # – 5418.

Main Motion: Postpone until November 24, 2015.

Moved by:	Fansler
Seconded by:	Herman
Action:	Motion carries by a vote of 4-3
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Herman
Opposed:	<input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Welch <input checked="" type="checkbox"/> Hoffman

VI. UNFINISHED BUSINESS Agenda amended.

Item A – Public Hearing Of Ordinance 15-32: Amending Bethel Municipal Code Section 5.08, Alcoholic Beverages.

Mayor Robb opened the Public Hearing.

David Trantham Jr. – Spoke in opposition to the Ordinance as presented.

Mary Nanuwak – Spoke in opposition to liquor in Bethel.

Sharon Chakuchin – Spoke in favor of the Council’s consideration of updating the Alcohol Ordinance.

Agnes Pete Phillips – There were women murdered near the AC Quickstop; near the BNC building there is the hospital, the Jail, the pre-maternal home.

A motion to adopt was made at the October 13, 2015 Regular Meeting.

Main Motion:

Moved by: Fansler
Seconded by: Herman
Action: Postponed

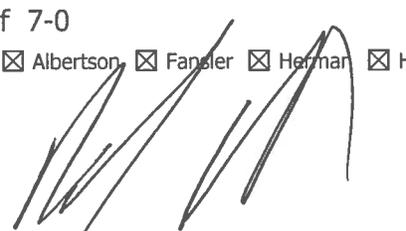
Main Motion: Postpone until the November 10, Regular City Council Meeting.

Moved by: Fansler
Seconded by: Maczynski
Action: Motion carries by a vote of 5-2
In favor: Maczynski Welch Albertson Fansler Herman
Opposed: Robb Hoffman

VII. ADJOURNMENT

Main Motion: Adjourn.

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



Richard Robb, Mayor

ATTEST:



Lori Strickler, City Clerk